

Zigzag
District
Handbook
And
Guidelines



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INTRODUCTION

This administrative guide was prepared by the Zigzag Ranger District of the Mt. Hood National Forest to document the district policies concerning management of the recreation residences. The principle objective of the document is to provide day-to-day guidance to the work performed by the Recreation-residence Administrator. It was not designed to be read cover to cover, rather the intent was to create a reference document that would discuss specific situations and provide a formal framework for administrative processes and decisions. The Table of Contents and Index provides extensive cross-referencing which will enable the reader to quickly find sections of immediate interest.

This guide will allow the Recreation-residence Administrator to make many of the common, reoccurring decisions; however there will also be those unique situations that require new interpretations and policy development. In those instances the Special Use Officer and District Ranger will, with recommendations from the administrator, establish the new policy or make a specific decision. There are also those decisions that cannot be re-delegated and will continue to be the responsibility of the District Ranger.

As with any guidance document, policies and situations change over time, these guidelines should be reviewed and updated at least annually by management to maintain a current document. After each update the Special Use Officer and District Ranger will approve the new document. Pages that have been updated will include the date of the new policy. This will provide valuable information as to the date when a particular policy was changed or implemented.

1. Recreation Residence Program Overview

1.1. History & National Importance

The Zigzag Recreation-residence program began with the passage of the Act of March 4, 1915, additional tracts were platted and more permits issued up through the early 1960's when the Forest Service discontinued issuing new permits for undeveloped lots. Today the program consists of 10 tracts with a total of 558 privately owned cabins. This concentration of homes on one district is the third largest in the nation and the largest in Region 6 (Washington and Oregon). The permitted lots average .25 acre in size and the tracks comprise almost 250 acres.

1.2. The Residence User

A large percentage of the permittees come from the Portland-metro area. They and their guests use the homes for weekend retreats and less frequent longer vacations. The homes were initially used in the summer season, however with increasing interest in cross country and downhill skiing, more and more homes are being used in the winter.

1.2.1 Homeowners Associations

Up until 1986, there was no formal association to represent the homeowners. Because of crime in the recreation residence tracts, the Mt. Hood Homeowners Association was formed with the initial purpose of bringing the permittees together to form neighborhood watch groups and support each other. The district has found that this group can be helpful in addressing other issues of interest to the permittees such as forest planning, reappraisals, etc. While it needs to be recognized that they do not represent all permittees on the Zigzag Ranger District, they do help to provide a more unified voice for the permittees and help in the sharing of information both to the permittees and to the Forest. Usually, the forest has an article in their newsletter that goes to all permittees to share information of interest.

There is also a statewide organization, the Oregon Forest Homeowners Association and a National Forest Homeowners Association that were formed to represent permittees on issues of interest to them. They can also be good sources for feedback on permittee related issues.

1.3. Existing Improvements

As the district approaches nine decades of accommodating such recreational use and changing Forest Service policies, a wide variety of improvements have been constructed in the tracts. Some of these structures such as garages, more than one outbuilding, guesthouses or large residences, do not conform to existing policies (FSM 1920, 1950, 2340, 2720; FSH 2709.11, Chap 10-50; R-6 Supp 2709.11-94-1 4/94). Present policies permit only the recreation residence, a storage building and an outhouse. Other associated improvements such as driveways, trails, decks and yard lights are also permissible. Some structures that are not permitted may be allowed to remain as long as they are maintained and used. Such structures that have fallen into disrepair and require extensive work or reconstruction must be removed and may not be rebuilt. Other structures, such as extra outbuildings and outdoor fireplaces, are being phased out when cabin ownership changes or before the permit expires, whichever comes first. See Chapter 5 for additional information on specific improvements.

1.4. Water Systems

There are two community water systems in the tracts providing water service to the residences. The largest is Lady Creek, which serves approximately 425 homes. The other large system is Henry Creek, which serves almost 100 recreation residences as well as the community of Rhododendron and the Faubian subdivision. Both systems are operated year round and maintained to Oregon state drinking water standards. Another small system, known as the Camp Creek Water System once served about 24 homes during the summer months; this system did not meet state standards, has fallen into disrepair and is being abandoned. Generally all of the tracts have water services available, however no community water service is available to 25 cabins from Lot 101 to Lot 167 on Road 12. Consequently many individuals in this area have developed their own water sources either by pumping water directly out of Still Creek or tapping into small streams on the south side of Road 12. These domestic water systems are approved improvements, must meet certain guidelines, and permittees pay an additional annual fee for this use.

1.5. Sales

Annually some 5% to 10% of the homes are sold, a majority of these sales are handled through real estate agents, the owners sell the remaining homes or are within-family transfers.

1.6. District Management Objectives

The District has several objectives in managing these recreation homes, these are: to provide a recreation setting and opportunity for residence owners and guests; to maintain the forested setting; to assure the safety of the permittee and general public; to minimize resource damage and to gain compliance with permit requirements and manage the tracts in accordance with national and regional policies.

1.7. Objectives of This Guide

1.7.1. Document Existing District Policies

At present the recreation residence program is guided by the clauses in the special use permit and Forest Service manual direction in 2347 and 2720 and FSH R6 Supplement 2709.11-94-1. Through the years additional formal and informal documents and policies were developed to supplement or clarify existing direction. Through the development and maintenance of this Guide, these policies will be documented. There may be a few situations where specific Washington Office or Regional Office policies are not appropriate for the local

situation; this Guide will help identify those instances and if appropriate, initiate a resolution process.

1.7.2. Clarify Forest Service Policies & Gain Consistency

Without formal administrative guidelines, the interpretation and implementation of permit clauses and established direction changes as district personnel transfer. This lack of consistency makes the administrative work more difficult and creates a credibility problem with some of the long-term permittees. Although this document will make the District's management of the recreation-residence program more consistent through time, it is not the intent to 'freeze' these policies. Rather this document is intended to document the present district policies and provide a means for management to make formal, rational changes in the policies to meet new direction or to address developing issues.

1.7.3. Assist the Administrator

Each day the administrator must perform a number of activities in the administration of the program. This guide will provide this individual with the framework needed to process permittee requests and make routine administrative decisions in a consistent, logical manner.

1.8. The Special Use Permit

A file is maintained for each recreation residence. These files contain the permit, amendments, billing information, inspection reports, transfer of ownership documents, correspondence and any other information that relates to the administration of that residence. These files are placed in alphabetical order by the permittee's name. A cross-reference file is also maintained to find the permittee of a particular home by referencing the road and lot number. In the late 1980's documents were microfilmed in an effort to reduce the size of file folders and the space needed to store them. Only the current permit holder information is retained. Prior permit holder information can be accessed on microfiche or by reviewing hard copy files stored in the archive building by road and lot. Prior permit holder information is necessary for NEPA and Heritage Resource surveys.

1.8.1. Ownership by corporations, business

Recreation residence permits will not be authorized to partnerships, companies, corporations, associations and the like (Special-Use Permit clause 1C). Accordingly, if there is reason to suspect that a buyer intends to use a home in combination with a business, a letter from the buyer stating that he/she intends to use the home for strictly recreational purposes, may be required as a condition of

permit issuance. The contract or bill of sale must also indicate that the proposed permittee is listed as the owner or co owner of the home. A transfer of ownership document that indicates otherwise may be reason for non-issuance of a permit.

1.8.1.1. Repossessions

Occasionally the contract holder, or more rarely a lending institution repossesses a residence. If the contract holder is an individual, perhaps the person who sold the house, a new permit may be issued to that individual. They are free to use the home for recreation residence purposes or resell it. If a business or lending institution is involved in the repossession, an annual permit may be issued to the firm with the following stipulations:

- The residence must be put on the market for sale.
- Reasonable efforts have to be made to sell the property and the property should be listed at a fair market value. The firm must pay the use fees and perform whatever permit compliance and/or maintenance repair work that is needed.
- The residence may not be used during this time.
- The Forest Service will review the firm's efforts to sell the home annually to determine if a new permit should be issued for the following year.

1.8.2. Confidential Files

Although many government documents are open to public review, the files kept on each recreation residence are confidential. Only those District people whose work includes administration of the homes are permitted access to the files. Other employees must consult with the Residence Administrator for information. There are some instances where information such as permittee name and address and lot location will be given out to other individuals outside of the Forest Service,

These are:

- Providing Clackamas County with information when they are reviewing proposals for building applications; (continued)
- Clackamas County sheriff's department when an investigation is occurring concerning the violation of local or state laws (i.e. burglary/vandalism);
- The Fire Department when a home has been damaged by fire.
- Notifying the county tax assessor upon change of permittee;

- Notifying the water association upon change of permittee.

Information about specific permittees will not be given out to real estate agents (unless they are handling the sale of that home), private companies, security firms, handymen, or other permittees. In instances where an individual is attempting to contact a particular permittee the Forest Service can send the individuals name and address to the permittee and allow the permittee to initiate the contact.

1.8.3. Term and Annual Permits

All recreation residence permits are 'Term' permits and are issued for a 20 year term due to expire on December 31, 2008. New permits are issued for only the remainder of that term. Annual permits will be issued to banks and other institutions where there has been repossession or where the permittee had their permit revoked for failure to meet the conditions of the permit and they are being reinstated. (See 1.8.1.1 above or 1.8.6 and 1.8.7 below)

1.8.4. The Permit

The special use permit is the document that authorizes the permittee to use National Forest land to construct, maintain and use a recreation residence. The basic intent of the permit is to maintain the forested recreation setting, provide for the safety of the permittee and general public and protect the natural resources of the area.

1.8.5. Amendments

From time to time the permits need to be updated to reflect changing Forest Service policies or to reflect the changing status of a permit. Rather than update the permit an amendment is issued. Amendments can be used to:

- Reflect the change in use fees as provided by scheduled reappraisals;
- Removal of a deceased husband or wife as a permittee of record (provided the surviving spouse is listed as permittee);
- Change of name and/or addition/deletion of spouse due to marriage or divorce;
- Document address changes; (continued)
- Authorize structural additions such as gates or storage buildings;

Amendments will not be used to reinstate a permit after a revocation has occurred or document transfer of ownership, these must be dealt with by issuing a new permit.

1.8.6. Noncompliance with Permit Terms

Due to changing policies, lax permit administration and the lack of awareness of permit requirements by the permittees, there exist numerous violations of the special use permit and established Forest Service policy. Some of these violations are fairly minor while others are of major importance. While it is not appropriate or possible to expend great amounts of money and effort to assure that even the slightest violation is dealt with; it is expected that violations be prioritized and actions be taken to correct the situation. The level of compliance administration and enforcement must be commensurate with the funding and person days available to accomplish the work and the gravity of the compliance problem.

Recognition of compliance violations and the necessary follow-up work are detailed in Chapter 3, discussing inspections; Chapter 5, discussing Improvements and Structures and Chapter 6, discussing Lot Maintenance and Upkeep. Any follow-up action must include a review of the permit file and the necessary investigation of the violation at hand so a complete understanding of the incident is gained prior to formulating or implementing the follow-up action.

1.8.7. Revocations, Suspensions and Violations

Although the special use permit provides clauses (clause 8A) which allow for the suspension and/or revocation of the permit for failure to comply with the conditions of the permit, the district will attempt to avoid suspension or revocation proceedings as long as the permittee demonstrates willingness to correct the compliance problem and does so within an acceptable length of time.

1.8.7.1. Reinstatement of Permittees

Decisions to reinstate terminated permittees by means of issuing a new permit will be made on an individual basis by the District Ranger and Special Use Officer. Prior to issuing a new permit, a compliance inspection must be completed. An annual special use permit will then be prepared which will list the special requirements identified in the inspection. The permit will be issued for a length of time to include a full summer to complete the required corrections; the scheduled expiration date will be December 31, of the year following that summer. When the work is completed a re-inspection of the home can then be made and a Term Permit issued to the permittee. No issuance fee would be charged for the Term Permit, However a fee would be charged for issuance of the initial Annual permit. If the work is not completed by the expiration date, the permit would not be renewed and the permittee would have to remove the improvements and restore the site.

1.8.8. Violation Notices

As specified in 36 CFR 261.10 (k) and clause 5A a Violation Notice may be issued for failure to comply with the terms of a permit. Such a notice may be issued when in the judgment of the Special Use Officer such an action is warranted. In some instances the Special Use Officer may wish to advise the District Ranger prior to issuing the Notice.

1.9. Fees

1.9.1. Fee Appraisals and Adjustments

Current fees range approximately between \$400 and \$800. In 1998-99, an appraisal and fee adjustment was conducted to adjust the fees and will go into effect in **2002**. The reappraisal resulted in new base fees ranging from \$1,300 to \$2,100 per year. About 75% of the lots are of 'premium' value; consequently a majority of the new fees will be in the \$2,100 category. This fee adjustment approximately tripled the fee currently in place. Regulations require that the new fees will be phased in over a 4-year period since they will increase by more than 100%. Under the phase-in, the fee for 2002 will be doubled from the 2000 fee and the balance of the increase will be phased in over 3 years from 2003-2005. Fees are adjusted annually using the **IPD-GNP** index that uses the present day value against the most recent appraisal.

1.9.2. Annual Use Fee Billing

The fee collection process begins in mid October with receipt of the Implicit Price Deflator-Gross National Product (IPD-GNP) formula to calculate the fees for the next calendar year. The previous year's fee is multiplied by the formula; for example $\$750 \times 1.024 = \768 . The fees must be entered into the SUDS (Special Use Data System) database. When the update is complete, the SUDS/FFIS (Foundation Financial Information System) Interface with NFC. In early November the District will process the printed Bill for Collection forms. These forms have to be reviewed to reflect changing addresses and new permittees that were not entered into the SUDS database at the time of processing. At least thirty days prior to the **January 1st** due date, all the billings should be mailed. Payments are made directly to the Lockbox via an enclosed envelope to the USDA Forest Service in San Francisco. Payments to the District office are discouraged to reduce the District Recreation Clerk's duties.

The Recreation Clerk is responsible for first and second late billings. The Special-Use Tech is responsible for terminations for non-payment of fee.

Payments received after **January 1** may be subject to administrative fees, late payment fees and interest. Currently, the administrative late charge added to the

first late billing is \$25. The second late billing will reflect interest at the current rates and penalty charges, usually at 6%.

For collection of late payments refer to FSH R-6 Supplement No. 6509.11h-97-1 effective 4/28/97, concerning the late collection procedure. In billing the permittees, each billing that is not paid by the assigned due date accrues an additional late payment charge. Even if a permit is terminated a Billing will continue to be sent to the permittee. Each unpaid billing will result in an additional late payment charge to be paid if the permittee is issued another permit.

The recreation clerk will maintain a listing which displays the status of all payments for each permittee.

1.9.3. Late Charge Waivers

There are few exceptions where the late fee may be waived. Each situation will have to be determined on an individual basis and approved by the Forest Administrative Officer. Generally waivers can be made where the Forest Service was at fault. The Recreation-residence Administrator will consider the circumstances and make recommendations to the Special Use Officer. Even though the situation may warrant the waiver of the late fee, this does not mean that the fee may be paid at an unreasonably late date.

The fee in these instances must be paid by **January 15th** or the late charge will be assessed and the nonpayment processed with other permittees who failed to make payment.

Failure to make payment by the billing due date may result in a late charge, even if the billing was to collect a late charge.

1.9.4. No forwarding Address

If Bills for Collection are returned because the permittee moved and did not notify the Forest Service, additional efforts will be made to determine the individual's new address. Possible sources for this may be the water association, the local telephone company, Portland phone directory, etc. If these and other sources fail to turn up the new address the bill will be posted on the residence with an explanatory note. Even though the Bill for Collection has not been delivered these cases will be processed concurrently with other cases involving nonpayment of the fee.

It is not appropriate that the late fee be waived in these circumstances, as the permittee must maintain a current address with the Forest Service (clause 4H). Due to the wording of the fee clause in the permit, it is important to note that the fee is due whether or not a billing was received.

1.9.5. Returned 'Certified' billings

A Certified Return Receipt billing will be returned by the Post Office if the addressee does not claim it within two weeks. Some permittees will not pick up certified mail. Another Bill for Collection without the Certified Return Receipt designation will be then be mailed to the permittee. The documentation concerning the initial billing will be maintained in the file. It is not appropriate that the late fee be waived in this situation.

1.9.6. Address Changes from Billing Information

Occasionally bills are returned to the district by the post office and it sometimes becomes apparent that the permittee has either moved or possibly the ownership of the home has changed without notification to the Forest Service. The District Resource Clerk will attempt to contact the permit holder of record and obtain a correct address or new owner information, make note of the change and re-mail the bill. The District will send out a follow-up letter in February to determine if the address, names or ownership of the residence has indeed changed.

1.9.7. Quarterly Payment Schedules

Requests for quarterly payments are normally made during the billing 'season' (January/February). Although these requests were granted in the past, the Supervisor's Office has directed the District to discourage this practice. The additional amount of paper work involved with such requests is cost prohibitive. Instead the permit holder should be told to pay as much as possible on the initial bill. The follow-up billing in January will reflect the payment, the balance due plus an administrative charge. If they are still experiencing financial difficulties, they can pay as much as possible on the second bill.

The third billing in February will reflect the payments, balance due plus late charges and interest. It must be emphasized to the permit holder that the fee must be paid in full by **March 1** to avoid termination of their permit.

1.10. Funding Levels and Program Intensity

In recent years the district's recreation residence program has undergone a considerable reduction in funding and personnel. Recognizing that the future will hold additional changes, the district must establish a hierarchical arrangement of work duties. This will assist the district in determining what work will be accomplished given the level of funding. The collection of the use fees will continue to occur regardless of funding level.

The first priority of work to be performed is that which relates to correcting known, severe safety and health problems such as open cesspools, structures in imminent danger of collapse, etc. This priority will also apply to permittees who have a recognized hazardous situation threatening their improvements.

The second priority is to perform comprehensive compliance inspections of the tracts to assure the structures and lots are being maintained to acceptable standards. Past policy has been that such an inspection will be conducted every year. Present funding levels do not permit this intensity of administration; consequently the District will attempt to rotate these inspections with the goal of completing inspections on a portion of the homes each year. This will include necessary follow-up inspections to assure that the work is completed.

The third priority is responding to permittee requests related to maintenance or repair work at their recreation residence to protect the structures and comply with the terms of their permit. This might include reviewing proposed paint colors, approving roofing materials, checking proposals to repair structures, etc.

The fourth priority is to enhance the flow of information to the permittee through newsletters or other pamphlets.

The fifth priority is to respond to special requests for review of "enhancement proposals"; i.e. cabin additions, new woodsheds, septic systems, etc.

2. Use Of Recreation Residences

The special use permit and existing Forest Service policies direct that the residence be used for personal recreation use and for noncommercial purposes (Special Use Permit clause 1C). The remainder of this section provides guidance to appropriate and inappropriate use of recreation residences.

2.1. Full Time Occupancy

In the special use permit (face page of all permits and clause 1C of permits issued since January 1, 1984) it states that recreation residences "shall not be used as a full time residence to the exclusion of a home elsewhere." A home elsewhere can be a house, apartment, mobile home or other reasonable domicile either owned or rented and must be open and available to the permittee at all times.

It cannot be simply an address used as a pretense of a home elsewhere. It must be a place where the permittee routinely receives mail, is registered to vote, where children attend school and from where the permittee normally commutes to work. This stipulation applies to both the permittee and any relatives or guests who may use the residence.

A suspected violation of this condition will require that the Recreation-residence Administrator monitor the use at the home for a one month period and compile other available documentation to support the case to prove full time occupancy. If the home is indeed being used on a full time basis the permittee will be notified of the violation, directed to correct the problem in 30 days and advised of the consequences of noncompliance. After the permittee corrects the occupancy problem the home will continue to be monitored at random intervals for approximately 2 months. Future violations of the stipulation by the same permittee could result in a less lenient stance from the District. If the permittee fails to comply, the Special Use Officer will be consulted, at the Officer's direction suspension of use or revocation action may be initiated.

2.2. Approved full-time occupancy.

Prior to the early 1960's, there were a number of permittees who had moved into their recreation residences on a full time basis. Because of their full time status they were provided a special clause that allows them to continue full time occupancy of their homes until such a time as they wish to sell. At the time of sale, the new permit will contain the stipulation prohibiting full time occupancy. There are presently 3 permittees who have been authorized to live at their homes on a full time basis. These individuals are also permitted to conduct limited business related work from their homes provided the business does not detract from the forested setting or the use and enjoyment of residences by the neighboring permittees. The scope of their business may not be increased nor may be the business be sold to the next owner of the recreation residence.

2.3. Use of residence for a business purpose.

The recreation residence must be used for personal recreation use only. It cannot be used commercially in any way. A permittee cannot use the recreation residence as a place from which they routinely commute to work on a full-time basis, nor may the permittee's relatives or guests.

2.4. Multiple Owners

Given the rising costs of purchasing and maintaining a recreation residence many potential buyers are searching for ways to share costs by owning a home in conjunction with other individuals or families. Two to four individuals or families already own a number of homes on the Zigzag District. Even though there are multiple owners only one individual or husband and wife may be listed as the permittee of record. All correspondence is sent to the permittee, however consultation with co-owners is permissible provided that courtesy copies of any correspondence are sent to the permittee of record. The permittee must be aware that even though there are multiple owners, they, as the permittee, bear the final responsibility for all of the co-owners actions.

The district's experience with multiple owners has not resulted in any significant problems. To a degree multiple ownership is advantageous since it provides a better financial base from which to keep the home well maintained and comply with the permit stipulations, it also provides an avenue where National Forest lands under special use permit may be used by more than one individual or family on a regular basis. There are also disadvantages as too heavy of use at a home with an inadequate septic system could result in pollution of nearby watercourses. Continual use by a rotation of the owners may detrimentally affect neighboring permittee's recreation experience. To minimize these potential problems the district has set a maximum limit that no more than 4 individuals or families (or any combination of four) may own a single home. If situations surface where there are five or more individuals and/or families sharing ownership, the permittee will be notified of the problem and advised that when one of the owners wish to sell, their share must be purchased by the existing owners as no additional owners would be allowed.

2.5. Subleasing/Rental

Although the special use permit does not allow the use of the improvements for commercial purposes, Clause 7E does allow subleasing provided the written permission of the authorizing officer is obtained prior to leasing. The clause further states that the permittee shall remain the responsible party for any actions performed by individuals the home is subleased to.

The District will allow limited subleasing of homes to occur, provided that the amount of subleasing remains incidental to the use of the home by the permittee.

Since the recreation cabins on the District are accessible during most of the year and use typically occurs throughout the year, it is permissible to sublease the homes up to 30 days per year or 6 weekends, whichever occurs first.

To monitor this type of activity the permittee must make application to sublease the home prior to any renters occupying the premises. The permission to rent the home will be valid for the remaining portion of the calendar year the authorization was issued in. A new application (Exhibit A of rental agreement) must be made for any subsequent years the permittee wishes to rent. After the application is approved, the permittee must provide to the District a completed "Request for Permission to Rent" (Exhibit B); which is required each time the home is rented.

2.6. Exclusive use of the Lot

Some permittees express concern over their inability to control the use of their lot by other individuals. The permit authorizes the permittee to construct, maintain and use private improvements located on National Forest land. The permit does not grant exclusive use of the lot and the permit holder can refer to item 11a of

their Operation and Maintenance Plan. Most of the 'trespass' complaints originate as a result of neighboring permittees passing through or using an area that another permittee has considered a part of their lot.

It is understandable that certain kind of activities by others occurring on a permittee's lot may be inappropriate and disrupt use of the cabin.

When the Forest Service is contacted to resolve such problems it is important to convey that exclusive use is not authorized and encourage the individuals involved to reach a common agreement on how to minimize the 'trespass' problem.

2.7. Resolving disputes between permittees

In past years the administrator has been contacted a number of times to resolve disputes between permittees and in some cases involve permit clauses or Forest Service policies. Unfortunately in many of these cases the permittee making the contact was reluctant to make his or her name known to the individuals they were reporting. This complicated the administrator's efforts to resolve the problem and in a number of cases generated ill feelings from both parties toward the Forest Service.

Although it is not the intent to avoid generating such ill feelings, a few guidelines in dealing with such situations will enhance the effectiveness of the administrator's efforts. (continued)

These are:

1.) If the information reveals that a significant permit clause(s) is being disregarded; the administrator will take action to resolve the compliance problem. Activities warranting this action might include: full time occupancy; unauthorized rental; unauthorized construction; use of fireworks; allowing high risk hazards to continue to exist on the lot (over-flowing septic systems, open wells, etc.) and other items that would create a high degree of concern with the Forest Service.

2.) If the information reveals that a less important permit clause is being disregarded or no permit or Forest Service policy is involved; the administrator will convey the following information to the permittee making the report.

If the permittee wants the Forest Service to take action, they must agree that their name or how the Forest Service learned of the situation, will not be kept secret from the permittees being contacted.

The permittee must send a written statement of what action they want taken and the outcome that they desire. Too often the initial verbal contacts with the Forest Service are not specific enough about what action the permittee wishes; then

after the problem has been dealt with the reporting permittees are not pleased with the results.

The Forest Service may or may not take action to resolve the problem. Some disputes are between permittees and should be settled between themselves. Other disputes involve other agencies, i.e. dog leash laws, and the reporting permittee should contact those authorities first to resolve the situation. In some cases the problem may relate to a Forest Service permit clause or policy. In those situations a decision will be made regarding the severity of the problem, and the funding and time available to pursue deal with the problem

2.8. Police & Road Repair

Clause 1D of the Term Special-use Permit states that the permit is for occupancy of the land only and does not provide other services.

Occasionally permittees will be of the mistaken belief that the Forest Service does provide a police response to reports of criminal or questionable behavior. Some permittees also make special requests that specific road maintenance work be performed. In response to either inquiry the administrator needs to share with the permittee the extent of Forest Service responsibilities for police action or road maintenance. The administrator does need to be careful not to make commitments that are outside of the realm of Forest Service duties in relation to the permit.

2.9. Storage of RV's and other Property

Occasionally permittees will store possessions on the lot outside of the existing structures. These are typically utility trailers, recreational trailers, horse trailers, boats, motor homes and other large items that they are unable to store at their place of full time residence. This is an inappropriate use of the lot as it detracts from the visual quality of the forested setting and is not an intended use as provided in the special use permit. If the permittee has an existing enclosed garage or storage shed, the item may be stored, out of sight in the structure; otherwise it must be removed from the lot.

2.10. Use of Motor homes or Trailers

The use of these recreational vehicles to expand the capacity of a residence on a temporary basis is permissible, provided the vehicle is parked on the permittees lot. These vehicles may remain on the lot for a one-month period during the calendar year. Continued long-term use of these vehicles may result in exceeding the capacity of the septic system and may detract from the visual appearance in the residence tract.

2.11. Abandoned Vehicles

Occasionally a vehicle is abandoned on one of the tract roads or residence lots. After the administrator confirms that the vehicle is abandoned, he/she should contact Forest Service Law Enforcement for action on removal of the cars. The LEO will likely contact one of the local towing companies and a request made to remove the vehicle. They will generally tow the vehicle and obtain a title through the state, so they may sell the vehicle to recoup their towing expenses.

2.12. Personal Services

Many permittees hire various individuals or companies to perform repair, building maintenance, construction or security work for their recreation cabins. Such services performed at the request of the permittee and are providing 'support' services to the permittee's use and maintenance of their improvements do not require that the individuals or companies providing the service be issued a special use permit. The permittee does remain responsible to assure that the work is performed to a standard acceptable to the Forest Service and that any reviews be completed and approval given by the Forest Service. See clause 3B of the special use permit.

2.13. Snow Removal

The recreation residence tracts are located in a transitional snow zone. Depending upon the severity of the winter, the homes near Rhododendron may be open for use year round or possibly experience a few weeks where the roads are impassable from snowfall. The homes further east, and higher in elevation, are subject to longer-term access problems as the snow in this area will be more frequent and last longer. Generally the District will not allow snow plowing to occur on these roads.

The District's concerns are to prevent damage to the roads and associated adjacent structures (water hydrants, signing, etc.) and assure that plowed roads do not create traffic congestion problems. To address these concerns the district has established the following snow plowing policy.

Snow plowing permits will not normally be granted to obtain easier access for using the home. The potential damage to the road surface, other improvements and congestion problems are not justified by the need for more convenient access.

Snow plowing permits may be issued for the following situations:

- 1.) Permits may be issued to authorized full-time permittees.
- 2.) Permits may be issued in situations where a special, significant need exists to gain access to the road. Each case will be reviewed and evaluated on its individual merits. The Special Use Officer will make the final determination whether or not a permit should be issued.
- 3.) Plowing permits may be issued to plow out a parking area near Highway 26. Not all roads or tracts have areas that are suitable for this purpose. The locations that may be plowed to serve this purpose are shown in the map in Appendix A.

If a plowing permit is issued it will be issued to the individual who will be plowing the road. As specified in clause 3B of the special use permit, the permittee who hired the snow plowing retains responsibility to assure the plowing conforms to the requirements of the permit. If the contractor fails to adhere to the terms it is conceivable that the District would pursue corrective action through the contracting permittee. The Engineering Transportation section has retained the authority to issue plowing permits. Their final approval must be obtained prior to issuing authorization.

To encourage compliance to the snow plowing policy, a letter will be mailed annually to all known local plowing contractors. In addition all permittees will be notified of this requirement in the fall newsletter.

Vehicles that become stuck or are trapped by snowfall may be removed by a tracked vehicle, snowcat or a small (12,000 pounds or less) cat; provided there is an adequate layer of snow over the road surface to protect the road from the tread. Normally the minimum amount of snow that must be present is 12 inches.

This type of vehicle removal is preferred over plowing the road. Clackamas County does plow Roads 3, 9 and 10. These roads were originally part of the old Mt. Hood highway. Their construction allows ample room for plowing and the county does maintain these roads.

Permittees should be aware that there are some risks and potential for fines should they park along Highway 26. If they are parked adjacent to the road, their vehicle could be damaged by the operation of the snowplow.

During periods when the roads are adequately plowed, no snow is falling and the vehicle is parked well off the traveled portion of the highway, it is permissible to park alongside Highway 26. If it begins to snow and/or the location of the vehicle hinders the safe passage of traffic or operation of the plows; the state may have the vehicle towed and issue the owner a ticket. Generally it is advisable to avoid parking adjacent to the Highway.

2.14. Advertising Within Tracts

To prevent the tracts from becoming cluttered with advertisement signs or flyers, only those signs, which advertise the sale of a home, will be permitted (reference

the section on real estate agents) and these signs shall not exceed 4 square feet in size. Signs and flyers advertising rental of homes, septic pumping services, handyman work, etc. will not be allowed.

3. Recreation Residence Inspections

There are two types of inspections that are routinely performed. The first is an inspection related to a home being placed on the market for sale or transferred to another owner as a result of a settlement of an estate, repossession or change of ownership in a multiple owner situation. This inspection is commonly referred to as a 'Transfer Inspection' indicating that a transfer of ownership is anticipated. The other type of inspection is a 'Compliance Inspection', this inspection is performed periodically, dependent upon funding levels, to check the exterior of the improvements and residence lot for compliance to the permit terms. Both inspections focus on the compliance to the permit and Forest Service policy requirements relevant to the structures, improvements and lot upkeep.

These inspections use the identical criteria to determine if the permittee is in compliance with the permit. In evaluating the condition of the lot and the appearance and upkeep of the improvements it is necessary to be familiar with the 'Improvements' and 'Lot Upkeep' portions of this guide. Inspections will be documented on the inspection form developed by the District.

This section will formalize the processes, documentation and time frames used in each type of inspection.

3.1. Change of Ownership

Each year some 5% to 10% of the residences sell and a greater percentage are put on the market but never sell. Since the process of transferring ownership of the residence also includes the termination and issuance of a new permit, it presents an excellent opportunity to require the correction of any deficiencies regarding the upkeep of the lot or structures. Such an inspection also provides potential buyers with valuable information in deciding whether to purchase a recreation cabin and assists in the formulation of a reasonable offer.

3.1.1. Real Estate Agents

Many of the sales are handled through the local real estate agents in Wemme, Welches and Rhododendron. Other firms handle a smaller percentage and owners sell a few or are transfers within a family or existing co-owners. Real estate 'For Sale' signs and signs 'For Sale by Owner' indicating a home is for sale are permitted.

Only one sign may be placed at the junction of the main access road and driveway; if the driveway accesses more than one home another sign may be placed near the residence. These signs must be 4 square feet or less in size. Additional signs are not permitted as they detract from the forest setting. Once a

home sells the signs shall be promptly removed. Signs must be mounted on a stake; they may not be attached to trees or lot number posts.

Since these firms handle many of the sales it is worthwhile to make them aware of the applicable policies and permit clauses so they can avoid misrepresenting a property to a client. It is also just as important to avoid placing the agent in a situation of representing and making interpretations of Forest Service policy. To facilitate the flow of information sample special use permits, documents providing information concerning Forest Service policies and an occasional meeting with a Forest Service representative may be arranged. Courtesy copies of all correspondence regarding the inspection reports will be sent to the appropriate agent. This will provide them with the information needed to better represent the listed property.

3.1.2. When is a Transfer Inspection Necessary

A Transfer inspection is necessary anytime that a permittee is anticipating transferring ownership of the residence to another individual or family member with the intent that that individual will serve as the new permittee of record. The general rule to follow is if a new permit is to be issued, a transfer inspection is required. A new permit is necessary whenever the ownership changes or upon request by the permittee (i.e. in a multi-owner situation). Several years ago permits were issued in the names of several individuals. Since then nearly all of these permits have been issued to a single individual or husband and wife. A few permits do retain an "et. al." in the permittee name, however the District will not transfer an existing permit to an individual who was originally included under this general term. Any requests to transfer the permit to one of the previously listed permittees will require an inspection report and a new special use permit.

3.1.3. The Transfer Fee and Amendments

In nearly all situations where a new permit must be issued a special fee must be charged. Fees would not normally be charged for issuance of an amendment. Here are some examples of when a fee would or would not be charged and when to issue an amendment.

A new permit will be issued and charges will be made:

- 1.)** To transfer to a new party.
- 2.)** To transfer to a co-owner not named on the permit, including "et als".
- 3.)** If a permittee dies and the home is willed or probated to a son, daughter or other individual.

- 4.) If a permittee dies and the home is willed or probated to a spouse who is not named on the permit.
- 5.) If a divorce occurs and the property is transferred to the spouse who is not listed as a co-permittee.

An amendment will be issued and charges will not be made:

- 1.) Add a spouse's name to the permit, i.e., from Mr. Smith to Mr. and Mrs. Smith.
- 2.) If the home is willed or probated to the spouse, named on the permit, the permit will be amended to list only the surviving spouse.
- 3.) Change the name on the permit due to marriage, i.e., Jane Smith marries John Doe. May be amended to Jane Doe or Jane and John Doe.
- 4.) If a divorce occurs and the property is transferred to the spouse who is also named on the permit.

3.2. Transfer Process

In order to process requests in the most efficient manner the following process has been developed. See Appendix B for all the documents related to the transfer of ownership and change of permittee.

3.2.1. Request for Inspection

The request for a transfer inspection must be made in writing. For real estate agents the information included on the "Request for Transfer Inspection" form must be submitted. If the request originates from the permittee they must provide a written request for the inspection.

3.2.2. The Transfer Inspection

The time of ownership transfer presents an excellent opportunity to have any deficiencies corrected to the lot or structures. As such, special care should be taken to note all deficiencies. It is also important to consider that a complete inspection will provide any potential buyer with valuable information that would affect their offer on the property.

In inspecting the lot, attention should be given to documenting all of the existing improvements. Past permits often were not updated to reflect the addition of a woodshed, gate, a brick outdoor fireplace, etc. The residence should be well photographed with pictures displaying all four sides. Other improvements usually

can be adequately photographed with a single picture. These pictures will be dated and filed in the permit folder.

During the inspection the general upkeep of the lot and structures need to be carefully reviewed. Each type of structure should be judged against the criteria applied to that type of structure. Discussion on individual type of improvements and lot upkeep are contained within the "Improvements and Structures" and "Lot and Ground Maintenance & Upkeep" sections of this guide.

3.2.3. Transfer Inspection Report

The inspection report will consist of the cover letter which explains the inspection; the Report completed at the time of the inspection, the Glossary of Terms (referenced in the Inspection Report), a request for a Final Inspection and a "Transfer Agreement" which specifies those items that the buyer agrees to assume.

Each correction item is assigned to a 'Seller Required' column or given a completion date. Whether these items are listed in the 'Seller Required' column or the 'Scheduled Due Date' column depends upon two factors; safety related concerns and the difficulty of performing the needed corrections. These criteria play a role in determining the date of correction and whether the corrections must be completed prior to issuance of the new permit or may be completed by the buyer at some later date. The time frames allowed for the correction of certain types of work is standardized; all permittees who receive an inspection, regardless of whether it was a transfer inspection or a compliance inspection, will receive the same amount of time to complete the work.

3.2.3.1. Seller Required Corrections

Inspections will usually surface a number of deficiencies that must be corrected. Some deficiencies (Seller Required) must be corrected prior to issuing a new permit to the buyer. These corrections are identified in the "Inspection Report"; they consist of those items that can normally be done during any season of the year and do not require large monetary expenditures. Although the Forest Service stipulates that these must be performed by the seller, special arrangements between the buyer and seller sometimes results in the buyer accepting responsibility for completing the work. The Forest Service has no control over such arrangements, however these Seller Required Corrections must be completed prior to issuing the new permit. The buyer should be advised that the corrections must be completed within one month of closing.

3.2.3.1.1 Septic System Verification

Failures of septic systems or inadequate sanitary facilities were identified as a concern during the Watershed Analysis done in 1996. Concerns were raised about water quality, environmental degradation and public health and safety. In 1997 the District began requiring verification of sanitary facilities when cabins were put up for sale. The seller must contract with a reputable septic service company to verify the location, capacity, condition and type of facility serving the cabin.

This includes cesspools, gray water systems, etc. Refer to November 1997 letter from the District Ranger.

3.2.3.2. Transfer Agreement

Other deficiencies identified in the report may be repairs that can only be performed during the summer months or may be expensive. To avoid delaying issuing the new owner a permit until the repairs can be completed or requiring a seller that has limited resources to fund the repairs, a Transfer Agreement may be issued. By signing this agreement the buyer agrees to complete the repairs by the assigned date.

If a compliance inspection has been conducted on the home since June of 1985, it is important to utilize this inspection to develop the Scheduled Due Dates in the Transfer Inspection for items that had previously been identified in the compliance inspection. Only correction items that have a completion date after the closing date of the residence may be transferred to the buyer. Correction items that still remain to be performed and had a completion date prior to the closing date must be completed prior to the Forest Service issuing a new permit to the buyer.

There are some exceptions to adhering to a strict time frame for completion of the work items. Some cases, such as may happen in the case of foreclosures, repossessions or estate settlements, it may prove practical to issue the new permit and reschedule completion dates for the required corrective work.

3.3. Compliance Inspections

Policy has been that each home is to be inspected annually to determine the compliance with permit stipulations. Unfortunately due to reductions of personnel and funding it is not practical to complete annual inspections of each home. The level of work being performed must be commensurate with the level of funding. The frequency at which these inspections are performed will be linked with funding levels.

3.3.1. Compliance Inspection, Purpose

The intent of the compliance inspection is basically to assure that the permittee is in compliance with the terms of the permit and Forest Service policies. Inspections will generally be done by tract, this will make tracking easier and maximize the efficiency of the work.

3.3.2. Newsletters

The District strives to produce and distribute at least one newsletter to permittees each year. This newsletter will contain information concerning recent policy changes; seasonal topics related to complying with the permit and share extracts of common compliance problems found during inspections. One objective of the newsletter is to increase the understanding of what the Forest Service is looking for in performing inspections so the permittee may take steps of their own accord to correct the problem prior to any compliance inspection.

The Mt. Hood Homeowners Association and Lady Creek Water Association will often request an article for their newsletters where the Forest Service can share information of interest to the permittees.

3.3.3. Field Inspection and File Review

Prior to doing the field inspections, files for each of the residences to be inspected will be reviewed to identify any corrections that were noted in previous inspections or transfer maintenance agreements; list the authorized improvements as specified in the permit, determine if photographs and/or a site plan map are needed and if any special permission was given to the permittee to allow noncompliance with a specific term of the permit.

At the time of the field inspection the administrator will check the improvements and lots to determine if any previous requirements had been attended to, verify the list of authorized improvements and take photographs of the improvements where needed. Photo documentation of the improvements includes photographs of all four sides of the residence and adequate photographs of other improvements to show their general condition and configuration. Photo documentation should be completed or verified as being current once every three years or upon change of ownership.

During the inspection the administrator will evaluate the structures and lot upkeep in relation to the identified acceptable standards that are detailed in the Improvement and Lot Upkeep section of this guide. At this time the Compliance Inspection Report will be completed. See Appendix C for the relevant documents concerning compliance inspections.

3.3.4. Inspection Report

After the Inspection Report has been completed (it is intended that a number of field inspections be completed and then upon return to the office the reports will be compiled) the report will be collated with all of the associated documents.

The Inspection Report lists completion dates for many of the more common compliance problems discovered during the inspection. The schedule ranges from allowing the permittee to complete the correction in one summer season to allowing three years for completion. The shorter time frames are specified for those corrections that may be quickly completed with a limited expenditure of funds. The more serious and expensive corrections are scheduled to allow the permittee time to plan and finance the work. See Appendix C for recommended timeframes for many of the more common compliance problems.

3.3.5. Follow-up On Compliance Inspections

The administrator will maintain a list of residences requiring re-inspection, after the specified completion date has passed the administrator will re-inspect the residences and determine if the necessary corrective actions were completed. If the item(s) were completed as requested a letter documenting compliance will be sent. If the corrective work was not completed the permittee will be sent a letter which specifies the corrections that were not completed and that the permittee must provide an explanation as to why the items were not completed. Once the written explanation is submitted and reviewed one additional summer season may be provided to accomplish the work provided the extension is justified. The permittee will also be advised that failure to adhere to this schedule may result in the issuance of a Violation Notice with an associated fine or the termination of their permit.

4. Hazards

The primary direction for dealing with situations regarding hazards comes from clause #4F and 4G of the special use permit. It states the holder assumes all risk of loss to the improvements resulting from acts of God or catastrophic events, including but not limited to, avalanches, rising waters, high winds, falling limbs or trees and other hazardous natural phenomena in the forest.

The permittee has the responsibility of inspecting their site, lot, right-of-way, and immediate adjoining area for dangerous trees, hanging limbs and other evidence of hazardous conditions, and after securing permission from the Forest Service, to remove such hazards. These clauses provide the basis for several important policies: that the permittee is responsible for identifying such hazards, the Forest Service is not; that the permittee must secure permission from the Forest Service prior to performing any hazard abatement work and that any necessary work shall be done by the permittee or at the option of the Forest Service by the government.

Although hazard identification is not the responsibility of the Forest Service, it is not inappropriate for the administrator to notify permittees of a hazard or to assess a specific hazard at the request of the permittee. The permittee should always be advised that hazard identification is not the responsibility of the Forest Service but continues to remain with the permittees. If the Forest Service determines that a hazardous condition does not exist or exists to a degree where it does not pose a significant hazard requiring corrective action, it is the permittee's responsibility to provide additional documentation that would prove otherwise.

4.1. Hazard Trees

A hazard tree is any tree that poses a significant threat to the recreation residence, associated structures, parking area or areas of frequent use by cabin occupants. Generally dead, dying or heavily leaning trees within striking distance of these improvements or areas may be considered a hazard. A tree that is not within striking distance or because of a heavy lean will fall away from these locations, is not considered a hazard and should be retained. Trees causing structural damage to an improvement (root growth causing foundation cracking, rubbing against roof or walls, etc.) can also be considered a hazard tree for the purposes of this discussion.

In the administration of these homes every effort will be made to retain trees and vegetation to minimize the loss of the forested character and maintain wildlife habitat diversity. Hazard trees may be removed either by including the tree in a Forest Service salvage sale, Forest Service removal for administrative use (i.e. fish habitat structures), or by granting the permittee permission to remove the tree.

4.1.1. Hazard Tree Assessment

The first step in dealing with hazard trees is to assess the actual hazard posed by the tree(s). Although the district's general policy is to apply a liberal interpretation of what constitutes a hazard it must also be recognized that many permittees do not have the knowledge to accurately assess hazards, as such their judgments should not be accepted without careful review

In assessing the hazard posed by the tree the administrator will be guided by the same principles used in judging hazard trees in developed recreation sites. These factors will include such criteria as general health of the tree, species, percentage of rot, unusual deformations of the bole, presence of conks and direction of lean. To attain this knowledge the administrator should attend the Regional hazard tree evaluation course. If the administrator is unsure about the health or stability of a tree, he/she should contact the District silviculturist or other expert.

If a hazard tree endangers improvements on an adjacent lot and requires removal by other than Forest Service means; the permittee of the lot the tree is on, will be given the first opportunity to remove the tree and use it for firewood. If this permittee fails to remove the tree within an appropriate time frame or would rather someone else remove the tree, the tree may be given to the permittee of the adjacent, endangered lot.

4.1.2. Disposition of Non-Hazardous Trees

Occasionally requests are made to remove trees to accommodate the construction of an addition, deck, etc. While it is permissible to remove these trees for such purposes, it is also important to minimize the removal of trees whenever other alternatives exist. The permittee will be charged the firewood value of these trees as determined by the firewood charge applied to the general public wood cutting program. This charge will apply to any tree removed for non-hazardous reasons.

4.1.3. Hazard Tree Disposition

After the administrator has determined that a tree is indeed hazardous, the next decision is how the tree shall be removed. There a number of options available: allow the permittee to fall the tree, allowing the tree (or a portion of it) to be used for firewood at the cabin; include the tree in a small salvage sale, (though because of liability and environmental concerns, the Forest Service at this time is not considering any salvage sales for hazard tree removal though this may change if the situation warrants; or have the USFS remove the tree for administrative use such as for fish habitat structures. (continued)

If trees are given to the permittee free of charge, the permission will allow the permittee to use the wood for firewood only at the recreation residence. Because downed trees also provide habitat for wildlife, the permittee will likely be required to leave all or a portion of the tree on the ground after being felled for habitat purposes. In these situations, it is still the permittees responsibility to fall the trees since the falling of the trees provides the protection to their residence. The tree must not be 'sold' to another individual. Written permission will be provided to the permittee prior to removal of the tree and the administrator will paint a mark on the bole of the tree to prevent any misunderstanding of which tree is approved and another mark will be painted on the tree near the ground to document that that tree was approved for removal.

It is necessary for the recreation residence administrator to work with the fisheries and wildlife biologists to determine under what situations trees should be given to the permittee, left on site or disposed of in some other way. Generally smaller trees less than 12" dbh can be cut without further biological consultation if they are isolated trees. For larger trees or if there is a group of smaller trees that need to be cut, consultation with the biologists should be done. Permittees must be

reminded that no trees may be felled until the permit administrator has reviewed them.

If a salvage sale were to be implemented, it will be necessary to evaluate which trees, even if they do pose a hazard, should be included in any sale that would be proposed. In evaluating whether to include hazard trees in a salvage sale, the Resource Officer or acting and the Recreation-Residence Administrator need to consider the following factors prior to reaching a joint decision:

- 1.) If falling the tree poses a high degree of hazard to a structure, the tree should be given to the permittee to make the necessary arrangement with a tree faller.
- 2.) If it is necessary to remove a number of other trees to remove the hazard tree by conventional means, the permittee will be given the option of hiring a specialist to remove the tree in order to retain the other trees. The tree will be given to the permittee free of charge.
- 3.) If the location is not readily accessible to equipment, consideration should be given to allowing the permittee to remove the tree. Only existing roads may be used, equipment may not be operated off the established road and driveway surfaces, nor may trees be cut to provide access for logging equipment.
- 4.) If considerable damage will be done to the driveways the sale must mitigate this damage by requiring the operator to perform the necessary corrective work. If it appears this corrective work will not mitigate the damage the tree should be given to the permittee.

If for any of these reasons it is impractical to remove a tree, it will be given to the permittee and the permittee will be responsible for its removal. If the decision is to remove the tree by means of a salvage sale, the permittee will be advised of the decision. If the Forest Service removal of the tree is not acceptable they may purchase the tree(s) at the current firewood value.

This option may be particularly appropriate in situations where the permittee wishes to have the trees removed fairly quickly as 6 to 18 months may pass between the time of identifying the tree and actual removal in a salvage sale.

Although purchase by the permittee provides significant latitude with what use the permittee may put the tree to, such as transporting the material to Portland for firewood; it is not appropriate for the permittee to contract with a logger to come in with heavy equipment to remove the tree. This type of action may create the very damage the Forest Service was trying to avoid.

4.1.4. Root Rot Pockets

Many of the more severe hazard tree problems occur in the old growth Douglas fir stands which are infected with root rot (*Phellinus weirii*). There are several known root rot pockets along Road 20, Road 35B, Road 19 and Road 12. Trees also die for other reasons related to the recreational use of the area (compaction

of soil around roots, attachments, etc.) as well as natural causes. An analysis is being done to evaluate different management options on how to treat the root rot pockets. Options being considered that range from allowing permittees to remove infected trees individually to conducting some type of salvage sale in the infected areas.

4.1.4.1. Trees damaging improvements

Some structures were constructed too close to existing trees; as these trees grow the structural problems become more severe. In considering requests to remove these trees the Administrator must verify that damage is indeed being done to the improvement by the tree. Roots growing under the foundation would characterize this type of damage, potentially causing structural problems or such damage may already be apparent. Trees rubbing against the roof, eaves or sides of structures also may be considered for removal. In some instances trees close to chimneys pose a fire hazard. If possible, pruning branches near the chimney should correct the problem. If this would not correct the problem, removal of the tree may be warranted.

Removal of trees because they shade the house, causing moss buildup or shed small branches and needles on the roof which later lead to deterioration of the roof are not acceptable structural damages that warrant removal of the tree. Rather these types of problems require additional maintenance by the permittee to keep the roof, debris and moss free. In some situations pruning the lower tree branches will alleviate the problem. Once the administrator verifies that damage is being done, the steps outlined previously to determine the disposition of the tree will be followed. In considering these situations it is also important to consider the value or condition of the improvement being damaged; some situations may warrant reconstruction or moving the structure away from the tree rather than removing the tree (normally this may occur when examining outbuildings).

4.1.5. Salvage Sale Program

Periodically trees must be removed from the residence tracts due to hazards posed by the trees or to accommodate new construction proposals.

4.1.5.1. Protection of Improvements

Because of the nature of the tracts there are a number of special considerations that have to be included in the salvage sale preparation and contract. Of primary concern is protection of all improvements associated with the residences, this would include such improvements as water lines, septic systems, the residence, outbuildings, and driveway; it is also important to protect the site from extensive soil disturbance or vegetation loss.

4.1.5.2. Logging Systems

In past years many of the salvage sales have been horse logged, the concept of horse logging has generally been well accepted by permittees. The primary advantage of horse logging has been in the fairly minimal soil disturbance resulting from the sale. This advantage is somewhat offset by the added cost of logging in this manner and the wide (6 to 8 foot) skid trails that must be cleared to provide access for the horses. In recent sales rubber tired skidders and loaders have been used successfully. Utilizing these pieces of equipment results in a lower harvest cost and creates minimal site disturbance if the equipment is limited to existing road and driveway surfaces. To pull in the logs cable must be pulled by hand to the tree, the heavier capability of this equipment does not require clearing skidding trails as is the case with horses, however more care must be exercised to avoid scarring trees and other vegetation. Future harvests of timber within the tracts will be open to either horse or rubber tired/loader harvest systems.

4.1.5.3. Mitigation Actions

In preparing the sale, special mitigation actions need to be documented; these might include such activities as grading and graveling driveway surfaces, wrapping protective "bumper boards" around trees or special seeding and fertilizing erosion control measures. In some situations it is particularly valuable to document conditions prior to logging activities. This will help the residence administrator and salvage sale officer to better evaluate the impact of the logging and assess any claims presented by the permittee. If incorporating these actions in the sale is not cost effective, consideration should be given to selling the tree to the permittee or offering it free of charge.

Although the economic values associated with the removal of timber is attractive it is important to recognize that these tracts are managed for recreation use and protection of that recreational setting is of primary importance.

4.1.5.4. Season of Harvest

In many timber sales some consideration is given to the appropriate seasons of harvest. In the past, salvage work in the tracts has been limited to the winter months. The purpose of this was to minimize the impact on the permittee by performing the work during that time of year when use is least likely to occur. With increasing winter usage of the homes this rationale is no longer applicable. More consideration should be given to minimizing site disturbance. Logging during the summer months of July, August and September are most desirable. The soil is more resistant to disturbance (drier time of the year) and the trees are less likely to be damaged from bark loss. During the spring and fall, the heavier

rainfall seasons, soil disturbance becomes more difficult to prevent, especially on some of the marginal quality driveways. If the opportunity becomes available it would be desirable to log when the ground is frozen or there was one to two feet of snow. Special care would have to be taken to mark all above ground improvements that would be hidden by snow in such a sale.

4.1.5.5. Harvest Timing Considerations

All sales within the tracts must not operate on weekends or holidays. This would include any kind of logging activity. Generally any impacts on permittee usage is fairly short term in nature and provided the permittee is notified of the work, they can often avoid using the home during that limited time period regardless of the season.

4.1.5.6. Slash Disposal

Slash disposal is a problem within the tracts. It is difficult to place burn piles where they will not scorch adjacent vegetation and at the same time will not create additional burned openings. There are problems with burning the piles within a reasonable time frame, relocating the piles for burning in the fall, monitoring the burning to chunk in the larger pieces to get a more complete burn and protecting improvements. Because of these the preferred method of slash disposal is chipping. If adequate locations are not available for establishing burn piles the sale will require that the debris be chipped.

4.1.5.7. Responsibilities and Coordination

Since salvage sales involve coordination between two resource areas, resources and recreation, it is useful to briefly outline the responsibilities and duties of both the salvage sale officer and the residence administrator. It is important to recognize that the administrator must continue to work with the permittee in the future, for this reason the District needs to maintain its credibility with these individuals. (cont.)

The recreation residence administrator will:

- 1.)** Document presale conditions, driveways, vegetative cover as needed;
- 2.)** Identify the necessary mitigation actions required;
- 3.)** Notify the permittee of proposed sale activities;
- 4.)** Reinspect post harvest conditions with the sale administrator.
- 5.)** Act as a liaison between the permittee and the timber sale officer if disputes arise.

The salvage sale administrator will:

- 1.) Provide assessments of anticipated logging impacts;
- 2.) Incorporate into the Decision Notice and contract any special mitigation actions;
- 3.) In administering the contract, assures that the logger complies closely with contract stipulations;
- 4.) Assures that logger minimizes site disturbance; Provides adequate guidance and contract stipulations to protect all improvements, both above and below ground;
- 5.) Provides adequate guidance and contract stipulations to protect all improvements, both above and below ground;
- 6.) Deals through the Recreation-residence Administrator to resolve disputes with the permittee.
- 7.) Reinspects post harvest conditions with the residence administrator prior to closing sale.

4.2. Stream-bank Erosion and Flooding

A majority of the residences are located within a broad floodplain dissected by the Zigzag River, Still Creek, Camp Creek, Lady Creek and the Sandy River. Some of these streams are cutting through a mudflow and loosely deposited streambed material. These streams tend to be high gradient and continue to erode banks and change channels. This area is also susceptible to seasonal floods resulting from snow-melt/rain events. In 1964, a 100+ year flood event altered many of the stream channels and destroyed a number of homes. In the years since, smaller flood events have continued to create erosion problems and channel alterations that have affected a number of residences.

It is undesirable from both a resource and an economic standpoint to attempt to stabilize these streams given the underlying strata and the dynamic state of the streams. In 1978 a field review was held involving specialists from many public agencies. A number of recommendations and concerns were brought forth at that time. The following sections include information extracted from that report and additional factors which have developed since 1978.

4.2.1. Armoring the Stream bank

Modifications to the natural stream channel are seldom successful. Typically they require a large monetary investment and create visual, water quality and fish

habitat problems. The installation may protect one residence only to change the stream dynamics downstream, posing new hazards for other permittees.

Any proposal to armor the stream bank will be reviewed by fish biologists, hydrologists, and other specialists in developing a recommendation to the District Ranger for the final decision. Necessary NEPA analysis will need to be completed at the permittees expense. Approval will be granted only in situations where a hazard does indeed exist, the proposed work will not significantly affect the downstream dynamics, will not pose a hazard to other permittees, will not result in a significant loss of water quality or fish habitat, will effectively protect the residence from annual erosion or small event flooding activities and is engineeringly feasible. If fill is to be introduced into the stream channel, a fill permit must be obtained from the Army Corps of Engineers.

Riprap installations (lining the stream bank with numerous interlocking boulders) are generally preferable over gabion constructions. Permittees often fail to grasp the design limitations of gabion structures and choose those as they appear to be the easiest and cheapest to install. Gabion installations will only be approved where they are the best means to alleviate the hazard.

4.2.2. Stream Channel Alteration

Proposals to alter the stream channel in any way will almost always not be permitted. Any proposal will have to be reviewed by fish biologists, hydrologists and the recreation-residence administrator and if a decision is made to go ahead with the proposal, the necessary NEPA analysis will need to be completed at the permittees expense. Their recommendations will be provided to the District Ranger for final consideration and decision.

4.2.2.1. Large Woody Debris

Trees and other pieces of large woody debris often fall into the stream channel and/or are transported from another location upstream. Permittees generally view these with suspicion, concerned that they will dam up the stream or divert the flow to

another location endangering their home or others in the area. In past years the Forest Service has allowed and at some times encouraged permittees to remove this debris from the stream. Since then research has shown that large woody debris plays an important role in fish habitat and stream stability. Generally this material, regardless of whether it is in the stream channel or along the flood banks of the channel, should be left if at all possible. Woody debris actually contributes to stream stability by reducing the velocity of the water and thereby minimizes the streams tendency to downgrade and erode. The various pools and falls produced by this material provide a variety of habitats for cover and spawning areas for the resident and anadromous fish.

There are occasions when a piece of large woody debris does pose a hazard to a permittee's improvements, in those cases, after consultation with a fisheries biologist and/or hydrologist a preferred means of reducing the hazard will be identified which would allow for removal or modification of the debris by the permittee.

4.2.3. Residence Relocation

The most successful way to minimize hazards posed by eroding stream banks and changing channels is to move the home back from the streamside location. Careful consideration needs to be given each proposal prior to providing approval for moving the home. Some of the considerations include:

- 1.) The home should remain within the established lot boundaries, some circumstances may allow a permittee to move the home back further away from the stream outside of the lot if the area is still within the established tract. For instance a homeowner on Road 32 adjacent to Camp Creek may be allowed to move his home closer to Road 32 but would not be allowed to move the home across the road (north of the road) where there are no established homes. A permittee may also be allowed to move their home onto another permittee's lot if that permittee will provide written permission authorizing the use of a portion of his/her lot.
- 2.) In some cases it may be acceptable to provide the permittee with an alternative lieu lot for moving the home to. The offered lots must be adjacent to existing homes and be suitable for the home. Lieu lots any distance from the existing lot will generally not be acceptable as the problems of moving a home any distance through a forested setting would create unacceptable impacts.
- 3.) The District Ranger will make the final decision regarding proposals to move homes.
- 4.) The permittee must coordinate with the county to assure that they can obtain septic approval at the new site.
- 5.) The permittee must pay for any required NEPA analysis required for the project.

The District recognizes that there may be some instances where there are no acceptable alternatives for either moving or protecting a home. In these instances the permittee may lose the home and have to restore the site. This is a risk that the permittee agrees to accept as mentioned in clause #8.

4.2.4. Flood Insurance

A federal insurance program is available for permittees who have residences in designated flood zones. The State Farm Insurance Company provides the insurance in cooperation with the Federal government. More information can be obtained by contacting a State Farm Insurance agent.

4.3. Steep Slopes and Banks

If a hazard is posed by a dangerously steep slope or drop off it is permissible to erect a fence or barrier to alleviate the danger. The permittee must submit plans that show the extent of area that will be fenced and the type of fencing. Normally fences consisting of wood are highly desirable. Wire mesh screens less than four feet in height are also acceptable when children are of particular concern. It is not permissible to install heavy-duty cyclone fencing, barbwire or solid wooden fences that block views through the forest. If a severe hazard is posed the permittee should consider a well-designed wood fence rather the cyclone alternative. Barbed wire fencing poses a hazard to people and wildlife and will not be permitted. The administrator will visit the site to determine if indeed a hazard is posed and review the plans.

5. Improvements and Structures

Present policy authorizes a recreation residence, a storage building and an outhouse. A number of other improvements such as water lines, driveways, decks, yard lights, hot tubs etc. are acceptable provided they conform to the standards in the manual and R-6 Supplement 2709.11-94-1 and the portions of this guide dealing with specific improvements. Some homes have improvements that do not comply with existing standards. In most cases these structures were constructed prior to establishing the policies presently in effect. As long as these structures are used and well maintained they will be allowed to remain; however if they are destroyed or need significant repair the permittee must remove the structure and restore the area. One exception to this are situations concerning guesthouses, reference that section for more detail.

Inspections of improvements will evaluate the general condition of the structure(s). This will include noting such items as the need to repaint, broken windows, moss on roof, dry rot, etc; correction dates will then be specified as outlined in the inspection checklist (Appendix C).

Upon the loss (typically fire, falling tree or collapse from snow) of a home, storage shed or other improvement, the permittee will be given the option for rebuilding the improvement provided that the new construction will comply with the direction in R-6 ID 2709.11-94-1, the sections of this guide discussing the specific improvement, conform to Clackamas county's building codes and not create unacceptable resource problems.

5.1. Authorized improvements

With the exception of driveways, power lines and waterlines only those structures named on the face of the permit are authorized.

All structures should be located within the designated lot boundaries; exceptions would include driveways, (associated bridges, culverts); trails and water lines. There are a few situations where a structure (such as a woodshed) is located outside the designated lot. These structures will be allowed to remain and continue to be used until such time that they are: in need of extensive repair, destroyed (by fire, flood, falling tree, etc.), causing resource problems or creating significant, irresolvable problems with adjacent permittees.

5.2. New construction

Proposals for new construction or modification to existing improvements must be evaluated for conformance to existing permit stipulations, Forest Service policy and the condition of the permittees lot and structures. Criteria for judging specific construction proposals may be found in the section of this guide discussing that particular improvement.

The quality and detail of the plans necessary may vary dependent upon the complexity of the structure. In all cases plans must show dimensions, construction design, materials to be used, colors and where the improvement will be located on the lot. This will assure that the facility is built as reviewed and approved.

All authorizations will specify that construction of any type of improvement must begin one year from the date of approval. All building materials and supplies must be neatly stacked on the lot and any building debris be disposed of concurrent with construction. The permittee will also be required to notify the Forest Service when construction is beginning and upon completion of the work so a final inspection can be conducted. Once the inspection is completed and it is verified that the improvement was built according to the plans, the permit may be amended to authorize the structure.

If the improvement or work has not been started within one year, the past approval is then void. The plans may be resubmitted and reviewed, using any newly developed policies or guidelines as criteria to judge the resubmission. One year is allowed from the time of beginning construction to completion of minor projects such as a woodshed, deck or other similar project. Two years is allowed for completion of major projects such as new cabin construction or major additions to the existing structure. It is permissible to continue working on the interior of these improvements after the completion timeline has expired, however all exterior surfaces should be finished and no lumber, building debris or other materials may be stored on the lot outside of the improvements. If the work is not completed within the prescribed time frame, then the Residence Administrator and Special Use Officer will identify appropriate follow-up actions.

As part of the review process the Recreation-residence Administrator will assure that the facility will be located within the lot boundary. If there is some question about the location, the permittee may be required to have a survey conducted by a licensed surveyor to reestablish the lot boundaries. Reference the section on lot boundaries for further information.

5.3. General standards

To maintain the forested setting and coordinate with the architecture of the existing recreation cabins it is important to consider not only specific elements of the design of new structures but also their general, overall architecture. Some types of designs would not be appropriate, this might include geodesic domes, underground homes, or other types of architecture that at the present does not exist in the tracts. **All modifications to the exterior of the cabin must be reviewed and approved by the permit administrator prior to making the modification.**

5.3.1. Exterior Construction Material

Modern materials such as structural steel, concrete and glass in well-designed combination with wood or stone, are acceptable. Buildings constructed entirely of metal or cinder block is not acceptable. Wood and stone used in essentially rough form harmonizes very well with natural surroundings. The exterior of other materials used should appear similarly rough textured. Large even surfaces should be broken. Uniform linear patterns are not desirable.

5.3.2. Roofing Materials

The following roof coverings are acceptable: shake and wood shingles, composition shingles, tile, and color impregnated (anodized, baked enamel) metal roofing. Rolled roofing is permissible on flat roofs or very low sloping roofs that are not visible from normal viewing locations. Galvanized roofing material is not permitted, however existing, heavily oxidized galvanized roofing may remain until it requires repairs over more than 10% of it's surface area. Replacement of galvanized roofing with new galvanized material (less than 10% of the roof surface) will be permitted provided the permittee paints the new section a gray to match the existing oxidized appearance. For historic preservation reasons, not all types of roof coverings are permitted in all areas of the recreation residence tracts.

All roofing materials, except wood shingles, require color approval as well as approval for materials to be used. Generally lighter shades are not appropriate, darker shades of greens and browns blend in better with the well shaded forest setting. For metal roofing, only dark brown roofing should be used. In limited situations, a dark green, such as a hunter green, could be approved. All colors have to be approved by the permit administrator prior to placement on the structure.

5.3.3. Exterior Walls and Siding Material

The following materials for use in exterior walls and porches are acceptable. Textured exterior plywoods, manufactured vertical or horizontal siding, wood shakes, native stone, logs or manufactured "logs". Combinations of these materials may also be acceptable.

5.3.4. Colors

The exterior appearance of the improvements must harmonize with the forest setting. In general, the colors usually found in forest soil, litter, bark, rock and vegetation during the major portion of the year, will achieve desired harmony. This includes soft harmonizing shades of gray, green and brown. Cabin trim must not contrast with the wall color to a significant degree.

It is preferred that the trim be painted either the same color as the walls or another shade of the same color. Stains are preferable to paints for outside wood surfaces. The natural wood color may be retained, or the stain may be colored to produce neutral brown or weathered gray.

Where paints are used, warm browns, soft greens, grays or gray-green are preferred.

To make the color approval process more consistent and professional, the District, in cooperation with the Forest Landscape Architect, has developed a list of approved color combinations. Permittees may select a color combination from this pre-approved list (Appendix D). Other manufacturers may reproduce this color from cross-reference charts available to them. Permittees may also propose a color combination that is not included in the pre-approved list. Generally the Pre-approved colors may be used for guidance in determining whether or not the special request meets the District's color objectives.

5.4. Clackamas County Permits

Clackamas County Permits are required for alterations or new construction. Those situations requiring a permit are listed below:

- Addition of living space to a home by enclosing an existing porch or constructing an addition to the home.
- Alterations of rooflines, load bearing walls or foundations.
- Electrical work, wood stove installation (Fire Department) or the addition of an indoor toilet.
- Construction of a separate outbuilding of more than 120 square feet (measured on the outside of the foundation) and/or more than 10 feet high.

Deck construction that is more than 30 inches above the ground. This includes decks where only a portion of the deck is more than 30 inches above ground level.

- Installation of a new septic system or modification of an existing system.
- Outhouse construction or relocation.

5.4.1 NEPA Requirements

All projects must be evaluated against current NEPA requirements. This includes any ground disturbing activity and exterior change. District scientists annually prepare a programmatic evaluation that covers routine projects. The District Ranger has issued a CE for permit issuance. The District Historic Resource Specialist has prepared a programmatic evaluation for minor changes.

However, all project proposals must be forwarded to the specialists. Any extraordinary circumstances must be identified and arrangements made for further review if deemed necessary. If NEPA analysis is necessary for a project, it is the responsibility of the permittee to pay for all costs of the analysis. If Forest Service personnel do the work, a collection agreement to cover their costs must be completed prior to starting the analysis.

5.4.2. Barlow Road Historic District and other potential historic districts.

Many cabins are located within the Barlow Road Historic District that was entered in the National Register of Historic Places in 1992. All projects on cabins within the Historic District must be reviewed and approved by the Historic Resource Specialist to assure they meet the desired future condition for the District.

During the Mt. Hood Corridor analysis for Highway 26 completed in 1998, it was identified that the recreation residence tracts on the District may be eligible for listing on the National Register as a historic district. Because of this, other proposals for modifications to older structures also need to be reviewed by the Historic Resource Specialist to be sure that historic values are protected.

5.5. Specific Improvement Discussion

The following sections discuss policies related to specific improvements, many of the policies are extracted from R-6 Supplement 2709.11-94-1. These are applicable for either the transfer or compliance inspections. The District has provided additional clarification where needed to establish measurable and consistent standards.

5.5.1. Recreation residence

5.5.1.1. Square Footage

The maximum square footage that a home may have is 1200 square feet measured on the outside of the foundation. Any loft will not be included in the square footage calculation.

5.5.1.2. Structure height

On reasonably level lots, homes will be no more than 26 feet from the ground to the peak of the roof (no more than one story and a loft above ground level). A full second story is not permissible. Homes on steeply sloping ground may be more

than one story provided that the home does not extend more than one floor above the highest elevation on the lot.

5.5.1.3. Lofts, definition

There is some confusion over what does and what does not constitute a loft in reviewing new construction proposals. The following standards apply.

- The square footage included in a loft should be 2/3 or less of the ground floor square footage.
- The loft shall be open. Intervening partitions will not be permitted.
- No bathroom should be included in the upper story.
- If the design of the home allows the loft to be located adjacent to a vaulted ceiling; the loft may not be partitioned off from the vaulted portion of the home.

5.5.1.4. Skirting

All homes shall have skirting installed. The primary objective of skirting is to screen the crawl space from view and enhance the visual appearance of the cabin. Criteria to determine if adequate skirting has been installed include:

- The bottom of the skirting or siding of the home must be within 6 inches of ground level. If the distance exceeds six inches, skirting will be installed to establish the six-inch maximum opening.
- It is not necessary that the crawl space be entirely enclosed.
- Decks do not have to be skirted. Portions of cabins that are adjacent to decks do not have to be skirted unless the crawl space is visible from adjacent homes, roadways or use areas. In many cases a low deck will effectively shield the crawl space from view.
- It is permissible to install a lattice skirting that is painted a color to blend in with the cabin.

5.5.1.5. Cabin reconstruction

If a residence is lost or severely damaged due to a fire, falling trees, ground instability, erosion or flooding events, the replacement of the structure may or may not be appropriate. It is the responsibility of the Forest Service under clause 4F to analyze the situation and determine if rebuilding should be allowed. If rebuilding can be allowed, the owners have three options. They may choose to rebuild the structure provided they meet the Forest Service's present policies and

the county's building code. They may choose to request permit termination, remove the improvements and restore the lot. (continued)

They may choose to sell the remaining improvements to another party. If the structure cannot be rebuilt within the lot boundaries, permission for reconstruction should not be allowed. Situations that would require locating the improvements outside of the existing lot boundaries or offering vacant lieu lots will be considered on an individual basis and decided by the District Ranger.

5.5.1.6. Replacement of residence

Some residences are in such poor condition that it is difficult to perform all the needed repairs. Requests to remove the existing structure entirely and replace it with another structure is permissible provided the permittee meets the established Forest Service policies and obtains the necessary building permits from Clackamas County.

5.5.1.7. Spark screen arrestor

Any chimney that serves a wood-burning appliance must have a spark screen arrestor with a mesh of 1/4 to 1 inch installed. Generally chimneys with airtight wood burning stoves should utilize the larger mesh screen. A spark screen will not be required on chimneys that serve oil or propane furnaces.

5.5.1.8. Roofing materials

The roof may utilize any of the approved materials (see Section 5.3.2), normally the roofing material must be of one kind and color, however some exceptions are allowed where a portion of the home has a fairly flat roof which is not visible from the ground. This portion of the roof may utilize a different kind of material suitable for the more mildly sloped roof.

5.5.1.9. Additions

Any proposed addition to the residence must comply with the maximum square footage requirement and be designed to architecturally blend in with the existing structure. For cabins in historically sensitive areas such as the Barlow Road Historic District, additions will have to be evaluated for their impacts on the historic qualities of the cabin and/or tract and/or historic district. In most cases the construction of an addition will require the installation of a new septic system, Clackamas County will determine if the system needs to be upgraded and prescribe the necessary modifications or installation needed. Since additional

living space is being added to the structure Clackamas County building permits are required.

5.5.1.10. Skylights

Skylights are permissible improvements to the residence as long as they meet other policies and requirements such as building codes and preservation of historic qualities.

5.5.2. Storage Sheds/Utility buildings.

5.5.2.1. Number of Outbuildings

Only one outbuilding (woodshed, utility building) and outhouse are permitted per recreation residence.

5.5.2.2. Square footage

A structure up to 130 square feet is permitted. If the permittee proposes a structure that is 120 square feet or less in size and less than 10 feet in height no Clackamas County building permit is required.

5.5.2.3. Structure location

In evaluating proposed locations for storage sheds there are several factors to consider; these include:

- The shed should be located so as to remove as few of trees as possible. Removal of trees larger than one foot in diameter will not normally be permitted to accommodate an outbuilding.
- The structure should be located an adequate distance away from any trees to allow room for their continued growth and health and to avoid potential maintenance problems with the structure.
- It may be wise to avoid placing the structure under the electrical service lines to the cabin if possible. If this is the logical location the permittee should be advised to assure that there is adequate clearance between the ridgetop of the structure and the electrical line to prevent a possible fire. PGE may wrap that portion of the line to further protect the line from wearing through should it rub against the ridgetop.
- Although a number of woodsheds have been constructed adjacent (attached) to the cabins in the past, this practice will no longer be allowed. Storing of firewood

adjacent to the cabin makes the cabin more susceptible to infestation by carpenter ants or termites. The woodshed may also be enclosed at some time in the future.

5.5.2.4. Storage Buildings, additions

An existing structure may be added onto provided the following criteria are met:

- If the total square footage of the structure will exceed 120 square feet or the height will exceed 10 feet, a building permit from Clackamas County will be required.
- The addition must architecturally blend in with the existing structure. Rooflines should match, type of materials should be consistent, colors should be the same, etc.
- Permission will not be granted for additions that would then exceed the 130 square foot maximum size limitation.

5.5.2.5. Foundation & Flooring

These structures may utilize treated lumber, concrete piers or a concrete foundation to establish a rot free support for the structure.

A concrete floor is permissible though not desirable, if the structure is destroyed or if the lot reverts back to the Forest Service it is difficult to restore the site to the original condition if a concrete floor has been installed. Given the use that these structures serve, a wooden, dirt or graveled surfaced floor will serve most needs.

5.5.2.6. Siding Materials

Structures using native material, such as branches or small trees create a low quality, poorly designed and generally visually displeasing structures.

The siding material (if any) should match to the type of siding used on the home if possible. The siding material may consist of textured exterior plywood, lumber or shakes, it may not consist of metal, brick, cinder block, cyclone fencing etc. The intent is to have a small wooden structure that complements the appearance of the residence. The structure may be fully enclosed, left open or designed with ventilation spaces between the siding.

5.5.2.7. Heating appliances

In almost all situations a permanent source of heat in a storage building is not needed. The one exception is when the structure is used as a sauna.

5.5.2.8. Shed reconstruction/replacement

If a storage building is destroyed, the permittee would be allowed to rebuild provided no other utility buildings are on the lot (only the residence, a storage building and outhouse are permitted, R6 Supplement 2709.11-94-1). The new structure would have to conform to the existing standards and policies.

5.5.3. Guesthouses (R6 Supplement 2709.11-94-1)

Through the years, a limited number of guesthouses have been allowed to develop. A structure is considered a guest house if it has been set up to accommodate temporary occupancy of individuals to expand the capacity of the recreation residence. These modifications might include furnishing the structure with beds, chairs, couches or other furnishings that serve to provide individuals with living and/or sleeping accommodations. A structure does not have to have cooking, plumbing or heating improvements to be considered a guesthouse.

Guesthouses are not appropriate facilities and these structures will be converted back to other, more appropriate uses at the earliest opportunity. The corrective actions to be implemented depend upon whether the guesthouse was or was not authorized. Construction of additional guest cabins or sleeping quarters is not permitted. Conversion of storage or other outbuildings to sleeping quarters or guest cabins is not permitted.

5.5.3.1. Authorized Guesthouse

If the guesthouse is authorized the present permittee may continue to use the structure until sale or transfer of the residence occurs or until the permit is renewed in 2008, whichever is first. Prior to the sale or transfer, the structure must be modified for use as a utility/storage building or removed. If it is converted to a storage building and there is an additional storage building on the lot, one of the buildings must be removed by permit renewal in 2008 since policy only allows one storage building on a lot. The permittee will also be advised that further improvements enhancing the guesthouse amenities i.e. installing heating facilities, plumbing etc. must not be performed during this interim period.

5.5.3.2. Unauthorized Guesthouse

If the guesthouse is not authorized the permittee will be required to modify the guesthouse prior to sale of the home so it can no longer serve the guesthouse

purpose or within one year of the inspection report, whichever occurs first. In this situation it is permissible to allow the converted guesthouse (storage building) and one or more other outbuildings to remain provided they are maintained and used for storage purposes only.

5.5.3.3. Required Guesthouse Conversion

The modifications necessary to convert a guesthouse include: removal of all furnishings (beds, couches, chairs, lamps, coffee tables, plumbing fixtures, kitchen appliances, rugs, etc.) and permanently installed heating appliances.

5.5.3.4. Walkways and Guesthouses

It is not permissible to move or attach (through means of a walkway) the guesthouse to the main residence to circumvent the guesthouse prohibition.

If a guesthouse is destroyed another similar structure will not be permitted. A storage building may be permitted provided that the permittee has no other such buildings.

5.5.3.5. Offices or workshops

Some outbuildings over time have been converted to use as a work area, equipped with heat and in some situations finished inside. Long-term objectives for those buildings are to phase them out or convert them to storage buildings to meet the regional policy of only a dwelling, storage building and, if necessary, an outhouse on a lot. These installations may remain until the permit is transferred to a new owner provided there is no evidence that the structure is being used for overnight accommodation. The permittee should be advised not to perform any work that might make the structure suitable for overnight use. If there is any indication that the structure is being used overnight, the permittee must at that time remove the building or physically convert the building to storage-shed use.

5.5.4. Outhouse

Most homes have indoor plumbing and no longer require such a structure; however some homes do not have these indoor facilities or the outhouse is used during the winter months when the water system is shut down and lines drained.

If the outhouse shows evidence of disuse, i.e. poor maintenance, major repairs needed, no use occurring; the permittee must remove the structure and back fill the hole. If the permittee indicates that they wish to retain the structure they may do so provided they bring the building up to an acceptable standard.

5.5.4.1. New Outhouses

Any requests for new outhouses, where there had not been one previously should be carefully reviewed and in most cases denied. These requests are usually a result of septic system problems or problems with the pipes freezing. In these situations the permittee should be encouraged to invest in measures to protect the pipes or install an adequate septic system. Clackamas County must be contacted for the proper permits for building or relocating an outhouse.

5.5.4.2. Maintenance standards

The outhouse must be maintained to acceptable standards. The outhouse must be effectively sealed from entry by rodents or insects. The foundation must be sealed, the door must close tightly and have some means of securing the door in a closed position and the siding and screening must be free of holes, cracks and be firmly attached. This will minimize sanitation problems where insects and animals could spread human waste material.

5.5.4.3. Construction material and size

The outhouse must be constructed of wood and should be of a similar design and color as that used on the residence. The maximum size of an outhouse is 40 square feet measured on the outside of the foundation; the maximum height should be no more than 10 feet.

5.5.4.4. Conversion to other uses

Occasionally a permittee has an outhouse that is no longer used for that purpose and has been converted to another use; the most common conversion is for use as a tool or storage shed. This conversion is permissible, provided the structure is well maintained, complies with the standards applying to outbuildings and the pit is backfilled.

5.5.5. Decks and porches

For the purposes of this guide, decks and porches are considered two different kinds of improvements. Decks are not covered and may or may not be attached to the residence; porches are always connected to the residence and are roofed over.

5.5.5.1. Porches

The new construction of large porches, representing less than 25 percent of the square footage of the home, may be authorized if the porch is architecturally in balance with the style of the home and does not affect any historical qualities of the home. From past experience, it has become apparent that porches are frequently enclosed and added to the living space without the prior approval of either the Forest Service or county. In the approval for constructing large porches, a statement will be included emphasizing that the porch may not be enclosed but must be left open. If a permittee wishes to enclose a porch they must have the Forest Service authorize the enclosure prior to performing the work and obtain the proper county building permits. Enclosing the porch will not be permitted if this will result in a residence greater than 1200 square feet. Once the Forest Service grants authorization for enclosing the porch, the permittee must contact the county for review and issuance of building permits.

Small porches are permitted where the intent is to provide a small entryway that will protect the residence access from snow and provide a location for storing small quantities of wood. Porches that serve this type of purpose typically only require an area of less than 30 square feet. These additions must blend in with the existing architecture of the home. The permittee must also be advised in the approval that the porch must not be added to the living space of the home at some later date.

5.5.5.2. Decks

New construction proposals will be evaluated against the following criteria:

- The maximum allowable size of a deck is 400 square feet (other existing decks will be included in this figure).
- Decks may be constructed on no more than three sides of a home.
- Decks shall be designed to meet the snow load of the area.
- Decks may be built around trees however the permittee must take care to not attach portions of the deck to the tree, provide adequate clearance for tree movement and growth and allow for rain water to still reach the root area.
- Although trees may be removed to provide adequate room for deck construction this practice should be discouraged. Normally trees larger than one foot in diameter may not be removed, these may be carefully designed around or avoided entirely. Reference the section discussing the disposition of trees and any applicable charges for the trees for further guidance.
- New deck construction will not be permitted in locations where the deck overhangs the stream (streamside passage for hikers and fishermen should always be provided). Decks may not be constructed on banks where the support piers are positioned on unstable ground. Deck construction should be

at least 5 feet back from the edge of an escarpment above a stream to allow reasonable access around the cabin without having to cross the deck.

- Cantilever deck designs may be permitted, however due to the stresses involved and complexity of the design a licensed architect or engineer must approve the plans.
- Any deck that is more than 30 inches above the ground level will require a railing at least 42 inches high, designed so nothing larger than a 4 inch sphere will pass through the railing. For decks more than 30" above the ground, the permittee must also obtain a county building permit prior to construction.
- Decks must be supported on concrete pier blocks or poured concrete piers; solid concrete foundations are not permitted. Solid concrete foundations are difficult to remove in the event the home is destroyed and the site must be returned to a natural condition. Such a foundation is also difficult to incorporate into any future deck modifications. Concrete pier blocks, either poured in place or prefab blocks are easily removed or modified should the situation require such measures. The concrete base provides a rot resistant support upon which treated beams and other supports may be positioned.
- It is preferable that the wood be stained or be left natural, painted and stained decks must conform to the guidelines included under considerations for colors. Generally painted decks are not desirable, as they require more maintenance than stained decks.
- Given the wet climate that the tracts are located in, it is important that the permittee complete any deck construction with treated wood or cedar. Wood not resistant to rotting has a very limited life.

5.5.6. Gates

Requests by permittees to install gates are primarily for the purpose of reducing the potential of burglary. While some permittees feel strongly that they are a very effective deterrent, others feel they provide little added security. In reviewing proposals for gate installations the Forest Service is primarily concerned about their design and location. To evaluate these concerns the recreation-residence administrator will consider the following criteria.

5.5.6.1. Gate Location

The gate may be installed outside of the lot; its location should be at the first logical turn around opportunity at or beyond the lot boundary. If the gate is to be located more than 300 feet from the lot boundary the situation will be reviewed by the Special Use Officer. A gate may be installed on driveways accessing a maximum of two residences. If a driveway accesses more residences the permittee(s) will have to locate their gates closer to their lots to meet the

maximum of two residences served by one gate. To meet the needs of the permittee it must also be located so access around the gate is difficult.

In many situations the most logical location is adjacent to the main access road. There are some gates already installed which do not conform to this standard regarding appropriate location. As long as these gates are maintained to a safe, hazard free standard and design they will be allowed to remain until such time that they need to be replaced.

5.5.6.2. Type of Gate and Visibility

The visibility of the gates is extremely important. Gates such as cable or chain gates are not permitted, as they are difficult to see. Because of the safety hazard posed to other permittees and forest users, a chain or cable gate installation must receive immediate follow-up action. The permittee may select from one of the approved gate designs (see Appendix E) with minor modifications to meet their purposes, these designs include a cross beam of at least 5 1/2 inches in width and two reflectors to provide an adequate measure of visibility.

5.5.6.3. Gates, Construction Material

Preferably gates will be constructed of wood, however gates made with metal pipe or rails may be used provided they are painted an acceptable color and have a cross beam (in many cases an attached 1 x 6 wood board) of at least 5 1/2 inches vertical distance. Additional security may be provided by permanently attaching a chain or cable to the cross beam of a wooden gate. The cable/chain must be attached to the back of the beam to maintain the visual appearance of a wooden gate. It is not permissible to have a detachable cable/chain on the crossbeam. The opportunity to secure the cable and not the remainder of the gate always exists and presents an unacceptable risk.

5.5.6.4. Gates, color

The gates may be left a natural wood color or they may be stained a suitable color. They should not be painted a color such as red or orange as this would detract from the natural forested setting.

5.5.6.5. Providing access to others

When inquiry is made regarding a proposal for new gate construction the permittee will be advised of some insurance problems that could affect insurance payment for loss of the cabin.

Generally if the permittee constructs a very secure gate the fire department will be unable to respond in a timely manner; since their action was delayed as a result of the permittee installed gate the insurance may have a valid reason for nonpayment of the claim. The Fire Department cannot accept keys since they are unable to assure that the keys would not be used to gain illicit access through the gate. Generally the fire department can use bolt cutters to quickly open a gate that has an exposed lock. Locks which are placed inside of steel covers to reduce the chance of bolt cutters may be much more difficult or impossible to open.

The permittee will also be advised that they must supply a key to the Forest Service upon request. This stipulation will be included in the amendment authorizing the gate. Normally it is not necessary for the Forest Service to have a key, however infrequent access may be needed during salvage sale or other resource management activities.

5.5.7. Driveways/Roads

5.5.7.1. Forest Service Road Maintenance

In the special use permit, clause 1D states that the permit is for site occupancy and does not provide for furnishing of structures, road maintenance, water, fire protection, or any other such service by a Government agency, utility association or individual. From this clause, it is apparent that the Forest Service is not responsible for the maintenance of driveways accessing residences and does not maintain roads for the sole purpose of providing access for the permittees. However, since many of the main access roads are considered "System" roads, the Forest Service does have a role in maintaining these roads to prescribed standards. Maintenance work will be identified and prioritized by the Road Maintenance division. Since funds are limited and the roads which access only recreation residence tracts are low in priority, work on these roads will, most likely, occur infrequently.

If a permittee identifies a significant safety related road hazard such as a large deep hole, the recreation-residence administrator will contact the Construction and Maintenance division with the information.

Permittees may gravel their driveways without special permission from the Forest Service provided the work is limited to the existing driveway and parking areas.

5.5.7.2. Resource damage, driveways

Most of the homes are accessible by narrow, native surfaced driveways that have been informally established over the years. The driveways must be maintained in such a fashion that no active erosion problems are occurring. If erosion is occurring the permittee will be directed to remedy the problem through appropriate actions such as water barring, installation of culverts, better water

drainage etc. If the permittee is unable solve the erosion problem and it is serious, the road may be closed to vehicular traffic and revegetated by the permittee.

5.5.7.3. Shared Driveways

Some driveways are shared by several permittees. Unfortunately there is seldom any documentation as to which permittee is responsible for the road or how the maintenance costs are shared.

In the administration of the homes it is assumed that a permittee's share of driveway maintenance and responsibility is commensurate with the length of driveway shared with other permittees who use that road.

Any requests to construct a new driveway to eliminate a shared driveway situation will not be approved. In most cases the permittees are having a disagreement that they need to work out between themselves.

5.5.7.4. New Driveways

Requests submitted for construction of new driveways to homes that have previously been accessed by trail can be considered, however, no driveway will be approved that requires:

- Unacceptable amounts of cut and fill work.
- A finished grade of more than 8 percent.
- Crossing perennial streams.
- Crossing another permittee's lot, unless that permittee provides express written permission for the crossing.

For driveway proposals that appear feasible, the permittee will have to provide a detailed construction plan that will show all aspects of the construction. Any required NEPA analysis will need to be paid for by the permittee. If, in reviewing the proposal, it becomes apparent that the construction will cause significant environmental damage the proposal will not be approved.

5.5.8. Fences

Fences are not a permitted improvement unless the fence is protecting the users of the residence from a hazard such as a steep drop off. See the section dealing with fences in the "Hazards" section of the guide. Existing rail or split pole fences may be allowed to remain and gradually deteriorate. Other types of fences such

as dimension lumber, wire mesh or cyclone fences must be removed at the earliest opportunity.

5.5.9. Septic Systems

Requests for new septic systems are submitted for generally three reasons; to allow for the construction of an addition to the cabin, to repair/replace a failing septic system or to enable the permittee to install indoor plumbing. Septic systems may be installed provided that the system will be located upon the permittees lot and will not result in significant resource impacts. A site plan and the actual field location will be staked for review by district resource specialists. After the Forest Service approves the proposal the permittee must receive the necessary permits from the county prior to installation.

The county will determine which type of septic system is feasible for each situation. If the standard septic system with drain field is not feasible the county will permit more exotic installations such as low-pressure systems, sand filters, or compost toilet with gray water. The Forest Service may require that the concrete retaining wall of the sand filter system be either colored to match the surrounding soil or landscaped to cover the exposed walls.

If reviewing the proposal to install a septic system consider the following criteria prior to providing approval

- The site will have to be rehabilitated after the installation is completed. This may include mulching, fertilizing and transplanting native vegetation into the disturbed areas. Steep slopes may require special erosion control measures be included.
- Require that the minimum bucket width that will accomplish the work will be used on the backhoe. This will provide the necessary clearance in digging trenches and yet minimize the amount of soil excavated.
- Drain field lines should be located in such a fashion to minimize the removal of existing trees. Generally they can be 'weaved' through existing trees to achieve the necessary footage requirement.

Neither the Forest Service nor the county are under any obligation to provide special dispensations to reduce the cost of a system or allow a system to be located where one would not normally be permitted.

5.5.10. Utilities--electrical

Portland General Electric Company serves all of the residence tracts. All of the lines are aerial and many of the individual services feeding homes are attached to trees. It is impractical, at this time from a resource impact perspective, for PGE to bury these lines or place poles to remove the attachment to trees.

Electrical lines often require considerable attention in the winter as heavy snows and falling trees pull the lines down. PGE typically uses a snow cat to complete the repairs however if the damage is extensive a special snowplowing permit can be issued to authorize plowing activities.

Electrical services to storage sheds, outhouses, yard lights, etc. must be buried or removed. This will reduce the risk of possible fires and hazards, result in a higher quality more maintenance free electrical installation and enhance the visual quality of the forested setting.

5.5.11. Utilities--telephone

Pacific Northwest Bell, Cascade Utilities and Continental Telephone Company serve these tracts. PNB has had their lines buried for several years; in 1983 and 1984, then Contel, which became GTE and recently became Verizon, placed many of their lines underground.

5.5.12. Cable Television

Cable television service has been installed in some of the tracts. Additional expansion of the service will be permitted provided funding is adequate to process the proposals.

5.5.13. Lot Number Signs

Road and lot number signs have been provided and maintained in the past by the Forest Service. Some signs are attached to trees while others have been placed on separate posts. Due to monetary reductions it is no longer feasible for the Forest Service to maintain these signs. The responsibility for maintaining these signs has been shifted to the individual permittee.

The lot numbers should be placed on a separate post near the driveway entrance. The numbers should be three inches or less in height. The permittee may also include the emergency '911' address. These numbers may be incorporated into signs that are installed by the permittee.

5.5.14. Permittee Signs

Indiscriminate signing would detract from the forested setting; as such it will not be permitted. One sign per residence will be allowed to display either the last name of the permittee and/or co owner or designate the name they have given the cabin. Permittee signs of a variety of designs may be permitted provided they are not attached to trees, the color blends in well the natural environment and they are not overly large or otherwise obtrusive.

Other signs, such as "No Trespassing" or "Private Property" posted around the perimeter of the lot will not be allowed. Small, unobtrusive "No Trespassing" or "Private Property" signs attached to the structures will be permitted.

5.5.15. Television Antennas

Television antennas may be permitted where they can be placed in innocuous locations, not readily visible from other cabins or use areas. Installation on the residence or outbuilding is the preferred location. Permittees may also utilize temporary installations; separate from the cabin or other improvements during the times they are occupying the home. Particularly large, visible installations must be removed or altered so as not to be so conspicuous. AM, FM radio or CB antennas may be installed on the residence in inconspicuous locations. No antennas may be attached to trees. Prior Forest Service permission is required for antenna installations separate from the residence.

Permanent or temporary installations of larger satellite dishes will not be permitted. Smaller dishes that can be attached to the homes can be permitted as long as they are placed in an inconspicuous location on the home and are not readily visible. No trees may be cut to improve quality of reception for the antennas or small satellite dishes.

5.5.16. Outdoor Lighting

5.5.16.1. General:

Electrical services to permanently installed lighting that is not attached to a structure must be buried. Fused lines, which would include electrical lines to woodsheds and yard lights must be buried a minimum of 24 inches below the surface. Unfused electrical lines must be buried a minimum of 36 inches below the surface; this would apply to electrical lines providing power to the cabin. Lights or electrical lines may not be attached to trees.

5.5.16.2. Christmas Tree Lights

Christmas tree lights may be installed and used on the cabin December through January. The lights must be removed by February 1 of each year. No special Forest Service permission is required.

5.5.16.3. Yard lights

Lights to be used on demand (not automatic security lights) may be installed on the home, storage building or outhouse for illuminating the deck and use areas without special review from the Forest Service. Lights that are to be installed separate from these structures require special permission from the Forest Service.

5.5.16.4. Security lighting

In an effort to reduce burglaries some permittees have installed high intensity yard lights that illuminate the home and surrounding lot. Future requests to install high intensity lights should be denied. Existing installations will be phased out. Existing high intensity lights may be allowed to remain provided they are converted to use on a strictly manual basis; when the ownership of the cabin changes, the light must be removed. If a permittee wishes to illuminate their home for security purposes they may put in smaller floodlights that can be directed on the walls of the home; minimizing the light directed at other homes and the general forested areas. See Appendix C, for a statement signed by the permittee that the light has been converted to manual use.

5.5.16.5. Deck and use-area lighting

Some permittees have installed lights that serve to illuminate areas around their cabin or deck while they are using the facility. Such installations are acceptable provided they do not light up large areas of general forest and are not converted to an automatic, on at dusk, off at dawn basis.

5.5.16.6. Pathway lights

Some homes that are a distance from the parking area include special lighting to allow for better nighttime access to the lot. These lights are on only when needed. These lights require Forest Service permission, as they are located away from the other established improvements. The electrical lines feeding these lights must be placed underground and the lights may not be installed on trees. The preferred type of lighting to use in these situations is the low voltage, low profile yard lights that are made for residential purposes.

5.5.16.7. Decorative Lighting

A few permittees have installed small yard lights to enhance the nighttime appearance of their lot. These type of installations are usually lights directed at tree, vegetation or streams. This kind of lighting is inappropriate and needs to be removed. Where underground lines have been buried, the lines may remain,

however the above ground fixtures must be removed to below the ground surface and the electrical lines disconnected from the electrical supply.

5.5.17. Propane Tanks

Propane tanks are often painted white (to reduce heat absorption) and as such are quite visible. Tanks that are located in well shaded locations must be painted a green or brown to blend in with the forested setting. Tanks that are located on relatively open lots and which cannot be painted an appropriate color must have a small wooden fence constructed around the tank to hide it from view.

5.5.18. Outdoor Fireplaces

In past years some elaborate outdoor fireplaces have been built out of rock, brick or cinder block. These may be allowed to remain provided they are maintained and do not detract from the visual appearance of the lot. No new permanent fireplaces will be authorized; with the popularity of the small portable grills and propane units it is unnecessary to construct permanent facilities.

5.5.18.1. Campfires

Permittees may establish one small campfire for outdoor recreational use. These should be located in open areas well away from overhanging branches, ringed with rocks or bricks, and the area around the perimeter cleared to mineral soil. During inspections of the lot the recreation-residence administrator will make note of any dangerous installations and arrange for the appropriate corrective actions. The permittee is expected to exercise caution during those times of the summer season when fire danger is high by avoiding use of the campfire.

5.5.18.2. Burn Piles

Debris burning may be conducted provided the permittee has obtained a burning permit from the Hoodland fire department. Burn piles must be located away from other vegetation to avoid injury to nearby plants and trees. One location should be established and used repeatedly to avoid creating a number of small burn scars. If a number of burn locations have been utilized in past years the permittee must rehabilitate all but one of the sites that may then be used for future burn piles. The rehabilitation will include removing charred wood, picking up any metal, inorganic or other non-burnable items and disposing of these at an appropriate landfill location off of National Forest lands, and transplanting native plants at the location. Burn piles should be used primarily for disposing of yard debris. Burning trash or other unburnable items is not an acceptable use for the burn pile.

5.5.18.3. Fire Season

Generally the fire season begins April 1 and runs through October 31. Permittees must comply with IFPL (Industrial Fire Precaution Level) and recreation restrictions during the fire season.

5.5.18.3.1. Industrial Fire Precaution Level (IFPL)

Permittees can only cut wood and run other spark emitting machinery, i.e. weed whackers, generators, pressure washers, etc., on days that are listed a Level I. Chain saws, etc., may not be used on days which are at the Level II or higher classification due to the fire danger. The Forest allows chain saw operation in designated wood cutting areas until 1:00 pm on Level II days. However, since the summer home tracts do not receive routine fire prevention patrols, operation is allowed only on Level I days. The precaution level can be determined by calling the District office or a recorded message at (503) 668-1650.

5.5.18.3.2. Fire and Recreation Closures

During periods of high fire danger the following activities are prohibited in the summer home tracts: Open fires, charcoal fires, smoking outside of vehicle or cabin, off road vehicles. The District will send a letter notifying permittees of the restrictions.

5.5.19. Water Lines

A majority of the homes are served by one of three water systems, Lady Creek (the largest association), Henry Creek and Camp Creek. There is only one segment of homes located on Road 12 that do not have access to a community water system.

5.5.19.1. Associations & Permittee Responsibilities

The associations are directly responsible for the maintenance of their main lines, storage tanks, wells and treatment facilities. Their direct responsibility ends at the point where individual lines are connected which lead to individual or small groups of homes. The line from this point on is the responsibility of the permittee. Due to past problems in correcting leakage problems, most cabins have been placed on water meters. The associations have agreed to notify the permittee of the leak and allow a two-week time period for the permittee to repair the line and if the line is not repaired within the allotted time the association will perform the necessary work and bill the permittee. Line leakage causes service difficulties for the operation of the system and may create resource damage.

If a water line breaks and causes resource damage the responsible party for that piece of line will be assessed any charges to cover damages. Provisions to allow such assessments exist in both the water associations and permittees permits.

5.5.19.2. New Installations

Water service to a home is a valuable amenity to the use of the residence, as such permission will normally be granted to run a water line to a home provided that resource problems such as erosion and vegetative disturbance can be minimized to an acceptable level. Usually only narrow trenches cut down through the driveway is all that is required for installation. New installations must be coordinated with the water master of the water association. New installations will also require notification to the county, the addition of water to a home often means that some type of septic system is now required whereas previously no such system was needed. Permission should not be issued until the adequacy of the septic system is confirmed or a new system installed. For homes unable to obtain septic approval a line may be run to an outside faucet. The temptation and possibility of the permittee running a line inside the home is quite high, as such these homes will have on the face page of the improvements listed a water line to run outside the home only and not for indoor use.

Approval will not be granted for individuals to drill wells or install a private water system if a state approved community system is available for hookup. Permission to drill wells may be granted to those homes in the upstream block of Road 12 since these homes have no community water system available. Generally permittees with such proposals should be encouraged to drill a well that would supply a number of homes. Such coordination between permittees will minimize the individual number of wells in the area, present less of a problem with accommodating septic systems and wells and better justify the development of an improvement that may be located outside of a lot.

5.5.19.3. Camp Creek Water System

The Camp Creek system used to serve about 24 homes on Road 32/34. The Lady Creek Water system now supplies those homes. Some of the system's improvements, including some of the piping and small dam on Wind Creek still remain though are not used any more.

5.5.20. Hot tubs

Proposals to install hot tubs may be considered; generally the facility should be non-conspicuous, located within the residence or on a porch or deck attached to the residence. Separate installations should be reviewed to determine that a separate installation is warranted. All electrical and plumbing lines must be hidden from view. Any request will detail how the tub will be drained. If

necessary a dry well will have to be installed to prevent unacceptable drainage onto the ground or into surface water sources. Installations shall be of a minimal nature; lavish, expansive installations will not be allowed.

5.5.21. Saunas

Saunas may be permitted provided that they are installed in either the residence or in the storage utility building. Another structure to serve for this use will not be permitted.

5.5.22. Swimming pools

The installation of above ground or below ground swimming pools will not be permitted. This type of facilities are not appropriate for the intended use of the residences.

5.5.23. Playsets

Playsets (swing, slide, monkey bars, etc.) may be permitted. Preferably the set should be portable, when the children grow up or the permittees change, this installation can be removed. The set must be painted a natural brown or green to help it blend in with the forested setting. When the set is no longer used or has fallen into a state of disrepair, it must be disposed of. Permanent installations are discouraged however some high quality wood playsets have already been installed and may be allowed to remain provided they are maintained.

5.5.24. Bridges, Culverts

There are numerous footbridges and culvert installations for vehicular and foot traffic. These improvements may be allowed to remain provided they are used and maintained. Bridges that are becoming unstable or suffering dry rot must be repaired, replaced or removed by the permittee. Many bridges are justified as they provide necessary access to the residence and may be replaced as needed. However a few bridges serve little purpose other than to cross a ravine or reach a stream. These bridges should be removed when they exhibit conditions of disrepair and/or disuse. Culverts are generally more maintenance free, however the permittee must repair and clean out the installation as needed to prevent erosion problems. Requests for new culverts will be evaluated carefully, considering the amount of fill, water drainage patterns, and other resource problems that could result from the installation. Consultations with hydrologists and/or road engineers may be necessary. Permission will not be granted to install culverts or bridges that are not necessary to gain access to the cabin.

Bridges that are a considerable distance above the ground will be constructed with sturdy handrails designed to meet county code.

If a bridge or culvert installation is creating resource problems such as erosion, water quality degradation, deterioration of fish habitat, etc. the permittee will be required to take the necessary steps to correct the problem and restore the site as needed.

5.5.25. Stairways

Stairways often provide important access to many homes and a means to reach the nearby streams. Stairways must be removed and/or replaced when they have fallen into disrepair as such improvements pose substantial hazards to anyone using the structure. Stairways will be made out of wood or may be a combination of landscape timbers and terraces, provided soil disturbance is minimal and the site will not suffer erosion problems. Existing stairways constructed of wood to descend steep slopes (as opposed to a trail with occasional landscape timbers) must have at least one handrail. New construction or replacement proposals will be permitted provided the need for the structure exists and the design will comply with any Forest Service requirements. New construction or replacement work must include handrails as specified by county building codes.

Stairways will be listed as an authorized improvement on new permits and amendments will be issued for those installations that are not presently included on the permit. The permittee to whom the stairway belongs will be the individual responsible for the upkeep and maintenance of the structure.

5.5.26. Walkways

Some permittees have constructed walkways of various designs to cross wet areas or small streams. Existing walkways may remain until they are need of repair /replacement. In evaluating whether the structure may be reconstructed or a new structure built, the following criteria will be considered: Is access to the stream at this location actually needed? Are there other options for gaining access? Is the wet area or stream to be crossed significant enough to warrant a structure? District resource specialists must review all proposals for replacement.

5.5.27. Trails

Numerous trails have been developed to provide access to the homes, between the various structures and to interesting streamside locations. Trails will not normally be specifically authorized on the face of the permit, however the Forest Service must approve construction of any new trails. Trails must be well designed to prevent erosion or safety problems. New trails will be included on

the permit of the permittee who proposes the work. Permission to construct the trail will also include stipulations requiring that the permittee continue to maintain the trail and restore it if environmental problems arise later.

6. Lot and Grounds Maintenance & Upkeep

This section will discuss the criteria governing the upkeep and maintenance of the lot and adjacent areas. The intent of the Forest Service is that these areas be maintained in as near to the natural forested state as possible, minimize resource problems and provide for the safety of the persons using these areas.

6.1. Lot Corners and Boundaries

When the homes were originally laid out, lot corners, 4 inch by 4 inch by 18 inch high (above ground), wood posts with routed lot numbers, (in most tracts) were placed defining the boundaries of each lot. In the intervening years many of these corner posts have been lost. There also exist a number of pipe and rebar placements which may have been placed by the original surveyor, the permittee or a resurvey. The only time assured corners are located is when the 4 by 4 post with routed lot numbers is found in place. Other markers may or may not be corners.

6.1.1. Corner Post Maintenance

The permittee should be encouraged to protect these corners and place a reference mark (such as a pipe or treated post) so the old corner post, if it still exists, can be found in future years. Corner posts should not be removed and replaced with another marker as this places doubt on the actual location of the original post.

6.1.2. Establishing Lot lines

In many cases it is not important to establish the exact location of the lot boundary, as fences are not permitted. There are some situations that do warrant establishing the location of these lines. This might include such situations as installing a septic system, constructing a woodshed or where to stack firewood.

If no valid lot corners remain and it is vital that the lot lines be located, the permittee will have to hire a licensed surveyor to reestablish the boundaries prior to construction approval being granted. If the lot is resurveyed the surveyors will have to establish all four corners using acceptable surveying practices. The new corners will be marked by placing as a minimum, rebar with a cap that denotes the placement to indicate a property corner. The surveyor must submit a plat map and a record of his field notes referencing his beginning location, each angle point, the distances and bearings, other pertinent field notes and written certification that the corners have been located. There are some basic criteria

that the recreation residence administrator can look at to determine if the lot line needs to be reestablished, these are:

- Review the plat map of the area to obtain a general perception for the size of the lot and lot orientation; visit the lot noting the location of improvements on the lot in question and improvements on the adjacent lots.
- Lot lines were never laid out adjacent to the stream; only stream channel changes would have altered this.
- Conduct a brief search for established lot corners (often permittees will be able to tell you if such corners exist).

Usually the administrator can determine if there is a question of potential trespass on another individual's lot after reviewing this information and considering the proposed location of the new improvements. Usually additions to existing homes are not a problem, the distance they extend from the home is normally insignificant compared to the distances between homes; new woodsheds if placed between the existing structures and the system road will create little, if any, question of trespass. New improvements that usually do pose more of a trespass potential include septic systems, driveways and trails. It may be necessary for the permittee to have the lot resurveyed in these cases.

The Recreation-residence Administrator should avoid spending extensive amounts of time in examining the lot boundary situation. Generally 15 to 30 minutes would provide ample time to determine if a lot boundary problem exists and if the lot will have to be resurveyed.

6.2. Landscaping

In an effort to reduce an erosion problem, control traffic or enhance the appearance or use of a home, permittees will sometimes wish to perform some landscaping work. Some types of work are permissible, specific situations are discussed in the following subsections.

6.2.1. Lawns, Flowers and Shrubs

The establishment of lawns or planting of ornamental shrubs, trees or flowers that are not native to the area is not permitted. It is permissible to plant a variety of native species as desired in natural arrangements. Artificial hedges or row-like plantings are not appropriate.

In some erosion control situations it may be permissible to seed an area with grasses to stabilize an area, however a longer-term solution of planting native vegetation should also be part of any stabilization proposal. Generally the grass seed mixtures used for erosion control work should be used as they are more effective in erosion control work than standard lawn seed mixtures.

6.2.2. Vegetative removal

Carefully evaluate requests for removing vegetation for other than hazard tree removal or annual pruning of shrubs and trees back from structures, driveways and trails. It is understandable that as vegetation grows up between a stream and home, the view is gradually blocked and the permittee will wish to reestablish that view.

Some permittees also wish to increase the amount of sunlight reaching their homes or deck areas. Proposals for such modifications may be evaluated but the following considerations will be given prior to any authorization.

- Vegetative modification will generally be limited to that which may be performed on the lot.
- Trees or shrubs adjacent to streams will not be removed. Riparian reserve widths along the fish bearing streams is 416 feet each side of the stream so removal of any trees within that area must be carefully evaluated. Some pruning of lower limbs may be permitted. Riparian vegetation provides important shading to the stream to keep temperatures down for the fisheries resource, provide logs for wildlife and fish habitat in the future and also provide an important bank stabilization factor.
- Species diversity must be maintained. It would not be permissible to remove, for instance, all the alder on the lot simply because it is a 'low value' tree. This diversity enhances the habitat for small mammals and birds and will contribute to the watchable wildlife populations for the permittee.
- Hazard trees or vegetation causing damage to a structure is treated in the section dealing with hazards.
- Proposals to remove large trees (6 inches dbh or greater) for purposes of view enhancement or sunlight will not be allowed.
- Approval for requests to gain additional sunlight to a home will be limited to minor pruning of branches and removal of a limited number of shrubs or other small trees (in conformance with the other standards outlined here).
- Approval to modify the vegetation will require individual marking of trees greater than 6 feet in height to be removed and a letter that documents pruning and thinning criteria.
- Periodic pruning of branches, limbs, shrubs etc. to maintain clearance around the home, along established pathways, driveways or adjacent to the parking area may be performed without special review or approval by the Forest Service. Work that involves removal of individual plants or clearing operations does require prior review and approval.

These constraints on vegetative removal are intended to retain the screening between residences and between the residence and the roads accessing the

tract; maintain soil stability; maintain species diversity and retain the forest character of the tracts.

6.3. Firewood and Lot Cleanup

6.3.1. Hazard Trees

One potential source of firewood for the permittee is derived from the removal of hazard trees near the improvements. Conditions under which such trees are designated hazards and given or sold to the permittee are included in the section dealing with hazards.

6.3.2. Downed Trees or Branches

Permittees may gather and use downed, dead trees of less than 6 inches in diameter or branches that have fallen on their lot or within "wheelbarrow distance" (no more than 500 feet) of their lot and not within any other permittee's lot, without prior Forest Service approval. Trees which exceed the 6 inch diameter standard must be field verified prior to granting permission.

6.3.3. Standing dead trees

Standing trees that pose a hazard to the home may be given or sold to the permittee (see the "Hazards" section for more information). The permittee must obtain permission to fall any standing dead tree, regardless of size. Dead trees that are not a hazard should be allowed to remain to provide habitat for birds and mammals that use such dead trees.

6.3.4. Downed Wood Outside of Lot

There are many areas within the tracts that belong to no specific permittee and are closed to woodcutting by the general public. Permission may be granted to permittees to gather marked, downed trees outside of their lot. Generally these areas will be limited to locations across the road from the permittee's lot or a short distance (one quarter of a mile) up or down from the lot. Permission will not be given to collect wood from other areas that are open to the general public. It would be more appropriate in this situation for the permittee to obtain the wood cutting permit issued to the general public and collect wood through this program.

6.3.5. Firewood Authorization, Free of Charge

If permission has been granted to the permittee to use portions of trees removed as hazards from their lot for firewood, that firewood must be used at the residence. Permission to remove hazard trees does not provide permission to transport the wood home for use off of National Forest land. If a permittee wishes to transport the wood home they must purchase the 'firewood cutting permit' available to the general public. This will authorize the removal of a forest product from the National Forest

6.3.6. Firewood Authorization, Charge

Occasionally the permittee will be allowed to remove trees to allow for the modification of improvements. In those situations, the permittee should be charged for the value of the wood that is not left on the site for wildlife habitat purposes or used by the Forest Service for administrative use such as fish habitat structures in streams. In these instances the permittee must purchase the 'firewood cutting permits' available to the general public in a quantity sufficient to reflect the trees to be removed. The firewood cut from these trees may be used at the cabin or it may be transported off National Forest.

6.3.7. Firewood, storage

Many homes have associated woodsheds. This is the most desirable location for the wood as it keeps it dry, minimizes the visual clutter around the lot and usually provides the best security against wood theft. Other individuals who do not have storage buildings must stack their wood outside and cover it. The Forest Service has requirements regarding the location of the woodpile, what material is used to cover it and if any damage is caused by the pile of wood. The following criteria need to be considered in evaluating wood storage:

- The wood must be stacked in one location on the lot, another small pile (no larger than one third of a cord), near the home for easy accessibility is permitted. In some cases where the permittee uses the cabin during winter months, they have a sizeable quantity of firewood on the lot. In these cases it is difficult to store this much wood at one location and as such may have two or more piles.
- The wood must not be stacked against trees or above the roots. This often is viewed as the most protected area to place wood and the trees provide a handy retaining structure to stack the material against. Stacking wood against trees will damage the tree, creating possible avenues for the introduction of insects and/or diseases; attract insects which may spread to the tree; possibly reduce the amount of available water to the tree by intercepting the rainwater; increase compaction around the tree roots and eliminate beneficial ground vegetation.
- The woodpile must be located on the permittees lot.
- The wood must be covered by a dark tarp or plastic of colors such as brown or green. White, clear, or tarps of bright colors such as orange and blue are not

permissible. These tarps do not blend in with the forested setting and visually detract from the appearance of the tract.

- The wood must not be stacked; other than small quantities of less than one third of a cord for short-term use; against the residence. Such a location will attract insects that may move into the house causing structural problems. Such a location also makes it difficult to extinguish a house fire.
- The total of quantity of wood stored on the lot is usually not a problem unless the quantity becomes quite excessive. Ten cords will be the maximum amount of wood a permittee may store on the lot.

6.4. Attachments to Trees

Attachments that damage the tree are not permitted as they injure the tree and provide a possible avenue for the entry of insects or disease. Many such attachments also detract from the visual quality in the setting. See permit Clause 29. Temporary attachments that are taken down each fall, such as bird feeders or birdhouses, and that are hung by a rope that does not cut into the bark of the tree are permissible.

6.5. Fish and Wildlife Considerations

6.5.1. Winter Range

All of the tracts are located below 2400 in elevation and as such, they provide potential winter range areas for big game species. Due to the human activity in the area, big game animals infrequently visit these tracts. However, future management of the homes should enhance the habitat available where possible. This enhancement can be performed through information/education programs with the permittees of what they can do to encourage watchable wildlife and expending KV dollars collected from the salvage of hazard trees for forage improvement.

6.5.2. Fisheries

The tracts have a number of streams running through them. Past management practices have reduced much of the in-stream large woody debris. This has not only reduced the quality of the habitat for the resident and anadromous fishery resource but it has also hastened the downgrading of the stream beds and associated stream bank erosion problems. Numerous trees have also been removed from the banks of these streams to enhance views or remove what had been termed as hazard trees.

In an effort to improve the habitat trees and vegetation near the stream, special consideration will be given with the objective to enhance the fisheries resource. Leaving in-channel woody debris and maintaining the streamside vegetation and snags can accomplish this. An information and education program should be implemented to make people aware of the value of this material and resource.

7. Permit and Permittee Appeals

7.1. Gaining Compliance

From inspections or chance encounters, numerous compliance problems (violations or breach of any condition of the special use permit or Forest Service policy) ranging from the very minor to the extremely important may be discovered. These must be dealt with in a manner commensurate with the gravity of the violation and the degree of funding available. The purpose of this section is to discuss and formalize procedures to assure that the District deals with noncompliance problems in a fair and consistent manner.

There are a number of options that may be used by the District to encourage permittees to perform the necessary actions to correct a compliance problem. In some situations several of these options may be used consecutively, progressing from the more mild options to those that include more severe penalties. In other instances, due to the higher level of concern about a compliance problem or the nature of the problem, a specific option may be implemented directly. These options may include:

- Requesting that the permittee corrects some problem through an inspection report or letter and assigning a due date.
- Issuing a warning notice to document the problem and advise the permittee to perform the necessary corrective work, establish a completion date and indicate the consequences for noncompliance. It is important to understand that if a warning notice is issued, a violation notice may not later be issued on the same offense. Issuing a warning notice concerning failure to repaint the cabin will eliminate a later option to issue a violation notice for the same offense.
- Issuing a violation with a fine, to emphasize to the permittee the gravity of the problem and requiring that any corrective action be completed by specified date.
- Revoking the permit for breach of permit terms as allowed in Clause 8A of the permit. Prior to revoking the permit, the permittee must be given a reasonable time, not to exceed 90 days, to correct the breach of permit terms. This is a last resort and will need good documentation to show reasonable efforts were made to gain compliance by the permittee.

These are some of the means by which the district can use in resolving compliance problems. Recognizing that there are sometimes extenuating circumstances, it is permissible to levy a lighter or stiffer 'penalty' given a particular situation. In these cases the Administrator should discuss the situation with the Special Use Officer to gain agreement on the most appropriate follow-up action to perform in relation to a specific case.

7.2. Follow-up Inspections/Actions

The most important element in gaining compliance to the terms of the permit is to complete the necessary follow-up work to assure that the compliance problem has been resolved. The Administrator will schedule follow-up inspections to review conformance to the inspection work requirements, to assure that Sale Transfer Maintenance Agreements are honored and that special compliance problems are re-inspected in a timely fashion.

7.3. Permittee Input and Appeal Rights

As a result of the district's efforts to resolve compliance problems there will undoubtedly be some comments about various requirements or penalties the District implements. The following sections briefly discuss the roles that permittee input and appeals will have in the district compliance efforts.

7.3.1. Permittee Input

This guide was created to document a number of District administrative policies and procedures used in managing the recreation residence tracts; these policies and procedures may or may not be detailed in existing National, Regional or Forest direction. It constitutes the district's best effort to interpret the clauses of the special use permit and existing direction and apply these to local situations. With the development of this guide it is expected that through time, permittees and the Forest Service will question the validity of certain policies in the handbook. Management will consider such comments and if appropriate the policy in the guide will be altered to reflect any modifications. Even though some changes will occur, the guide will provide more consistent management policies through time.

As the guide stands "the test of time", undergoing close scrutiny by Forest Service managers and permittees, the policies in the guide will achieve a greater degree of validity and permittee acceptance.

7.3.2. Appeal Rights

Any administrative decision that the District Ranger makes is appealable. As such the decision to implement the various administrative guidelines contained in this guide are also appealable.

Although permittees should be made aware of their appeal rights, the district will not formally include information concerning their right of appeal in many of the routine inspections or follow-up actions. The district's intent is not to withhold this

information but rather to encourage people to first consider completing the required corrective work.

To make the permittee aware of their options for discussing particular requirements, a brief statement will be made at the end of all compliance letters to the effect of "If you have any questions or disagree with the requirements in this letter please contact me at (503) 622-3191, extension." In these contacts the Recreation-residence Administrator will strive to convey the reasons behind the policy and obtain the permittees agreement to complete the work.

There are some actions that due to the seriousness of their nature require that they be formally advised of their appeal rights. Termination of the permit is one action that falls into this category. These letters must be sent Certified. The Forest Service brochure entitled "Your Guide to Forest Service Appeal Regulation" is useful information to enclose with such letters.